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NEW DELHI, SATURDAY, APRIL 13, 2002/CHAITRA 23, 1924

इस भाग में मिल पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

सामाजिक न्याय और अधिकारिता मंत्रालय

नई दिल्ली, 28 मार्च, 2002

का.आ.1179:—निःशक्त व्यक्ति (समान अवसर, अधिकारों का संरक्षण और पूर्ण भागीदारी) अधिनियम, 1995 (1996 का 1) की धारा 47 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सैन्य बलों के लड़ाकू कामियों के सभी श्रेणियों के पदों को किये जाने वाले कार्य के स्वरूप को ध्यान में रखते हुए उक्त अधिनियम के प्रावधान से मुक्त करती है।

[सं. 16-27/2001-एन.आई. I]

श्रीमती राजवंत संधू, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT

New Delhi, the 28th March, 2002

S.O. 1179.—In exercise of the powers conferred by proviso to Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights

and Full Participation) Act, 1995 (1 of 1996) the Central Government having regard to the type of work carried on hereby exempt all categories of posts of combatant personnel of the Armed Forces from the provision of the said section.

[No. 16-27/2001-NI.I]

Smt. RAJWANT SANDHU, Jt. Secy.

नई दिल्ली, 28 मार्च, 2002

का.आ.1180:—निःशक्त व्यक्ति (समान अवसर, अधिकारों का संरक्षण और पूर्ण भागीदारी) अधिनियम, 1995 (1996 का 1) की धारा 33 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सैन्य बलों के लड़ाकू कामियों के सभी श्रेणियों के पदों को किये जाने वाले कार्य के स्वरूप को ध्यान में रखते हुए उक्त अधिनियम के प्रावधान से मुक्त करती है।

[सं. 16-31/2000-एन.आई. I]

श्रीमती राजवंत संधू, संयुक्त सचिव

New Delhi, the 28th March, 2002

S.O. 1180.—In exercise of the powers conferred by proviso to Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) the Central Government having regard to the type of work carried on hereby exempt all categories of posts of combatant personnel of the Armed Forces from the provisions of the said section.

[No. 16-31/2000-NLI]

Smt. RAJWANT SANDHU, Jt. Secy.

गृह मंत्रालय

नई दिल्ली, 2 अप्रैल, 2002

का.आ. 1181—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80 प्रतिशत से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती है:—

1. सेक्टर मुख्यालय सी.सु.बल कुपवाड़ा।
2. 191 बटालियन, सी.सु.बल।
3. 120 बटालियन, सी.सु.बल।

[सं. 12017/1/2002-हिन्दी]

राजेंद्र सिंह, निदेशक (राजभाषा)

MINISTRY OF HOME AFFAIRS

New Delhi, the 2nd April, 2002

S.O. 1181.—In pursuance of Sub rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80 per cent:

1. Sector Hqr. BSF, Kupwara
2. 191 Bn. BSF.
3. 120 Bn. BSF.

[No. 12017/1/2002-Hindi]

RAJENDRA SINGH, Director(OL)

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 27 मार्च, 2002

स्टाम्प.

का. आ. 1182—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा इलाहाबाद बैंक, कलकत्ता को मात्र सत्तावन लाख पांच हजार रुपये का समेकित स्टाम्प शुल्क वसूल करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र पंचानवे करोड़ रुपये के समग्र मूल्य के प्रोमिसरी

नोटों के लक्ष्य वाले अचरक्षित विमोचन से अतिरिक्त बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 14/2002-स्टाम्प/फा.सं. 33/21/2002-वित्त.क.]

आर.जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 27th March, 2002

STAMPS

S.O. 1182.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Allahabad Bank, Calcutta to pay consolidated stamp duty of rupees fifty seven lakh five thousand only chargeable on account of the stamp duty on Bonds described as Unsecured Redeemable Sub-ordinated Non-Convertible Bonds in the nature of promissory notes aggregating to rupees ninety five crore only to be issued by the said Bank.

[No. 14/2002-STAMPS/F. No. 33/21/2002-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 28 मार्च, 2002

का. आ. 1183.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा-1 के अधीन आदेश फाइल सं. 673/46/2001 सी-यू-एस-VIII, दिनांक 18-01-2002 को जारी किया और यह निर्देश दिया कि श्री इमरान अहमद सपत्र श्री अजयद शउमद निवासी 2883^क कप्तान वाली गली, कच्चा चेतान, दरिया गंज, नई दिल्ली, को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़ नई दिल्ली में गश्तिरक्षा में रखा जाए ताकि उन्हें भविष्य में विदेशी मुद्रा के संरक्षण के प्रतिकूल किसी रीति में कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिनों के भीतर पंद्रह आयुक्त, दिल्ली के समक्ष उपस्थित हो।

[फ. सं. 673/46/2001-सी-यू-एस-VIII]

सुनील कुमार सिंह, अवर सचिव

ORDER

New Delhi, the 28th March, 2002

S.O. 1183.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act 1974 (52 of 1974), issued order F. No. 673/46/2001-Cus. VIII, dated 18-01-2002 under the said Sub-section directing that Shri Imran Ahmed S/o Shri Ashhad Ahmed, R/o 2883, Gali Kaptan Wali, Kucha Chelan, Darya Ganj, New Delhi-110002 be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from acting in any manner prejudicial to the Conservation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/46/2001-Cus-VIII]

S. K. SINGH, Under Secy.

आदेश

नई दिल्ली, 28 मार्च, 2002

का. आ. 1184.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षक और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/47/2001 सी. यू. एस. VIII, दिनांक 18-01-2002 को जारी किया और यह निर्देश दिया कि श्री आबिद मुपुत्र श्री यूसुफ, निवासी म. न. 2373 कूचा मीरासीन, तुर्कमान गेट, दिल्ली को निरुद्ध कर लिया और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उन्हें विदेशी मुद्रा के संरक्षण के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रहा है जिसे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त दिल्ली के सम्मुख उपस्थित हो।

[फा. सं. 673/47/2001-सी-यू-एस-VIII]

सुनील कुमार सिंह, अवर सचिव

ORDER

New Delhi, the 28th March, 2002

S.O. 1184.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act 1974 (52 of 1974), issued order F. No. 673/47/2001-Cus. VIII, dated 18-01-2002 under the said Sub-section directing that Shri Abid S/o Shri Yusuf, R/o House No. 2373, Kucha Meerassin, Turkman Gate, Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from acting in any manner prejudicial to the Conservation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/47/2001-Cus-VIII]

S. K. SINGH, Under Secy.

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 10 अक्टूबर, 2001

आयकर

का. आ. 1185.—दिनांक 7-9-2001 के आदेश फा. सं. 197/176/2001-आई.टी.ए-I का अतिक्रमण करते हुए तथा आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा "ओ. एस. आई. एल. टी. आर. एफ. आई, कम्प्यूनिटी सविसेज, डाक-घर राजासपुरा, जिला कोसल, उत्तर प्रदेश" को कर निर्धारण वर्ष 1994-95 से 1996-97 तक द्वारा आच्छादित अवधि

के लिए निम्नलिखित शर्तों के अधीन उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसी कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और इसका कोई भाग संगठन के किसी सदस्य को नहीं दिया जाएगा।

[अधिसूचना सं. 321/2001/फा.सं. 197/176/2001-आ.क.नि.-I]

आई.पी.एस. बिन्द्रा, अवसर सचिव

(Central Board of Direct Taxes)

New Delhi, the 10th October, 2001

(INCOME-TAX)

S. O. 1185.—In supersession of Order F. No. 197/176/2001-ITA. I dated 07-09-2001 and in exercise of powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “OSIL TRFI Community Services, P.O. Palaspanga, Distt. Keonjhar Orissa” for the purposes of the said Sub-clause for the period covered by the assessment years 1994-95

to 1996-97 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the form or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution of the Society, its surplus and the assets will be given to a charitable organisation with similar objectives and no part of the same will go to any of the members of the Society.

[Notification No. 321/2001/F. No. 197/176/2001-ITA.-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2001

(आयकर)

का.आ. 1186.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “नेशनल हाइवे अथॉरिटी ऑफ इंडिया, नई दिल्ली” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेयर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,

(v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 343/2001/फा.सं. 197/184/2001—
आ.क.नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st October, 2001

(INCOME TAX)

S. O. 1186.—In exercise of the powers conferred by sub-clause (iv) of clause (23 C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Highway Authority of India, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely) :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) That in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 343/2001/F. No. 197/184/2001-ITA. I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2001

(आयकर)

का.आ. 1187.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ब्यूरो ऑफ इंडियन स्टैन्डर्ड्स नई दिल्ली" 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेयर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 344/2001/फा.सं. 197/183/2001-
आयकर नि.-1]

आई.पी.एस. बिन्दा, अवर सचिव

New Delhi, the 31st October, 2001

(INCOME TAX)

S. O. 1187.—In exercise of the powers conferred by the sub-clause (iv) of clause (23 C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Bureau of Indian Standards, New Delhi" for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 344/2001/F. No. 197/183/
2001-JTA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 9 नवम्बर, 2001

(आयकर)

का. अ. 1188.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग के) उप खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा "श्री सत्य साईं सेन्ट्रल ट्रस्ट, बिन्दावन, बंगलौर" को वर्ष, 2002-2003 से 2004-2005 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 346/2001/फा.सं. 197/190/2001-
आ.क.नि.-I)]

आई.पी.एस. बिन्दा, अवर सचिव

New Delhi, the 9th November, 2001

(INCOME TAX)

S. O. 1188.—In exercise of the powers conferred by sub-clause (iv) of clause 23(C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central

Government hereby notifies the "Sri Sathya Sai Central Trust, Brindavan Bangalore", for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other-wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) That in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 346/2001/F. No. 197/190/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 9 नवम्बर, 2001

(आयकर)

का.आ. 1189.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा को "वात्सल्य ट्रस्ट, मुंबई को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारित उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संवयन पूर्णतया तथा अनवयतया उन उद्देश्यों के लिए होगा जिनके लिए इसकी स्थापना की गई है;

- (ii) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग लेखा-पुस्तिकाएँ नहीं रखी जाती हों;

- (iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विघटन की स्थिति में अनिश्चित राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 347/2001/का. सं. 197/191/2001-आ.क.नि.-I]

आई.पी.एस. बिन्द्रा, अवसर सचिव

New Delhi, the 9th November, 2001

INCOME TAX

S. O. 1189.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Vatsalya Trust, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above other-wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of

business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) That in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 347/2001/F. No. 197/191/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 23 नवम्बर, 2001

(आयकर)

का. आ. 1190.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “रेल मंत्री कल्याण एवं राहत कोष, नई दिल्ली” को 1992-93 से 1994-95 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिमूचित करती है अर्थात्:—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी विधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वच्छिक अण्डान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिमूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय निवरणी

नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 350/2001/फा. सं. 197/127/2001-आयकर नि. -I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 23rd November, 2001

(INCOME TAX)

S. O. 1190.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Railway Minister’s Welfare & Relief Fund, New Delhi” for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely:—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc), for any period during the previous years relevant to the assessment years, mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income tax Act, 1961.

(v) That in the event of dissolution, its surplus and the assets will be given to a charitable organization with Similar objectives.

[Notification No. 350/2001/F.No. 197/127/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 28 नवम्बर, 2001

(आयकर)

का. आ. 1191.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के

उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “नेशनल स्टॉक एक्सचेंज इन्वेस्टर प्रोटेक्शन फंड ट्रस्ट, मुम्बई” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्न-लिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिसके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 352/2001/फा. सं. 197/194/2001-
आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवसर सचिव

New Delhi, 28th November, 2001

(INCOME TAX))

S.O. 1191—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notified the ‘National Stock Exchange Investor Protection Fund Trust, Mumbai’ for the purpose of the said sub-clause for the assessment years 1072 GI/2002—2

1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income or accumulate for application wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11
- (iii) this notification will not apply in relation to any income being profit and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 352/2001/F No 197/194/2001-ITA-I]
I. P.S. BINDRA, Under Secy.

नई दिल्ली, 28 नवम्बर, 2001

(आयकर)

का. आ. 1192.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि जे. आर. डी. एण्ड थालमा जे. टाटा ट्रस्ट, मुम्बई” को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्न-लिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि

(जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(5) यह कि विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 353/2001/फा. सं. 197/196/2001-आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 28th November, 2001

INCOME TAX

S.O. 1192.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "The J R D Thalma J. Tata Trust, Mumbai" for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc), for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless business is incidental to the attainment of the objectives of the assessee and separate book of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the income tax Act, 1961.

(v) That in the event of dissolution its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 353/2001/F. No. 197/196/2001-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 21 दिसम्बर, 2001

(आयकर)

का.आ. 1193.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप खंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल कल्चर फण्ड, नई दिल्ली" को वर्ष 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्, :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,

- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या: 369/2001/फा.सं. 197/186/2001-
आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 21st December, 2001

(INCOME TAX)

S.O. 1193.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Culture Fund, New Delhi" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 369/2001/F.No. 197/186/2001-ITA-I]
I.P.S. BINDRA, Under Secy.

नई दिल्ली, 31 दिसम्बर, 2001

(आयकर)

का.आ. 1194.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) के उप खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री कन्याकुमारी गुरुकुल आश्रम, कन्याकुमारी" को वर्ष 1994-95 से 1996-97 तक के कर निर्धारण

वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेयर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार कंपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 380/2001/फा.सं. 197/200/2001-
आईटीए-I]

आई.पी.एस. बिन्द्रा, अवर सचिव,

New Delhi, the 31st December, 2001

(INCOME TAX)

S.O. 1194.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sri Kanyakumari Gurukula Ashram Kanyakumari" for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following condition namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery furniture etc), for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the income-tax Act, 1961.
- (v) That in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 380/2001/F.No. 197/200/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 दिसम्बर, 2001

(आयकर)

का.आ. 1195.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) के (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “इंडियन पार्लियामेंटरी ग्रुप, नई दिल्ली” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संवयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी वस्तु अन्य आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसी कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के

लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 381/2001/फा.सं. 197/122/2001-आईटीए-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, 31st December, 2001

(INCOME TAX)

S.O. 1195.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies the “Indian Parliamentary Group, New Delhi” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-05 subject to the following conditions, namely :—

- (i) the assessee will apply its income or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) That in the event of dissolution it surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 381/2001/F.No. 197/122/2001-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 31 दिसम्बर, 2001

(आयकर)

का.आ. 1196.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप खंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्रीमद उज्जैन सधर्म सिमहासना श्री तारालाबालो जगदगुरु बृहनमठ सिरिगेरे, कर्नाटक” को 1999-2000 से 2001-02 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ठंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना संख्या 382/2001/फा.सं. 197/198/2001-आईटीए-1]

आई.पी. एस. बिन्द्रा, अव्वर सचिव

New Delhi, the 31st December, 2001

(INCOME-TAX)

S.O. 1196.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central

Government hereby notifies the ‘Srimad Ujjain in Sadharma Simhasana Sri Taralabalo Jagadguru Brihanmath Sirigere, Karnataka’ for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc. for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the income-tax Act, 1961;
- (v) That in the event of dissolution its surplus and the assets will be given to a charitable organization with similar objectives .

[Notification No. 382/2001/F. No. 197/198/2001-ITA-1]

I.P.S. BINDRA, Under Secy

नई दिल्ली, 31 दिसम्बर, 2001

(आयकर)

का.आ. 1197.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दक्षिणेश्वर रामकृष्ण संघ आद्यपीठ, दक्षिणेश्वर कलकत्ता” को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान

धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 384/2001/फा.सं. 197/204/2001-
आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st December, 2001

(INCOME-TAX)

S.O. 1197.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Dakshineswar Ramakrishana Sangha Adyapeeth Dakshinewar, Calcutta” for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will apply in relation to any income being profits and gains of business unless the business is incidental to the attain-

ment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 384/2001/F.No.197/204/2001-ITA-I]
I.P.S. BINDRA, Under Secy.

नई दिल्ली, 17 जनवरी, 2002

(आयकर)

का.आ. 1198.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “बाला मंदिर कामराज ट्रस्ट, चेन्नई” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (5) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 6/2002/फा. सं. 197/201/2001-
आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 17th January, 2002

(INCOME TAX)

S.O. 1198.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the 'Bala Mandir Kamaraj Trust, Chennai' for the purpose of the said sub-clause for the assessment year 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 6/2002/F.No. 197/201/2001-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 30 जनवरी, 2002

(आयकर)

का.आ. 1199:—आयकर अधिनियम, 1961 (1961-का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "एरो क्लब ऑफ इण्डिया, नई दिल्ली" को 2002-03 से 2004-05 तक के कर निर्धारण वर्षों के लिए निम्नलिखित

शर्तों के अधीन रहते हुए, उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खण्ड (23) द्वारा यथा-संशोधित धारा II की उपधारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती ऊपर-उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बॉर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) कर निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संवितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और,
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अमिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-भुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10/2002/फा.सं. 196/2/2002-आ.
का.नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 30th January, 2002

(INCOME TAX)

S.O. 1199.—In exercise of the powers conferred by clause (23) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Aero Club of India, New Delhi" for the purpose of the said clause for assessment years 2002-03 to 2004-05 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-sections (2) and (3) of Section 11 as modified by the said clause (23)

for such accumulation wholly and exclusively to the objects for which it is established.

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes) specified in sub-section 5) of Section 11.
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainments of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10/2002/F. No. 196/2/2002-ITA-I]
I. P. S. BINDRA, Under Secy.

नई दिल्ली 31 जनवरी, 2002

(आयकर)

का.आ. 1200.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) के उप खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “आर्क डायोसीज ऑफ त्रिवेन्द्रम, पाट्टोम, त्रिवेन्द्रम” को 1990-91 से 1992-93 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है?
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेल्स-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ

तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हो,

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 12/2002/फा.सं. 197/228/2001-आईटीए-1]

आई पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1200.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Arch Diocese of Trivandrum, Pattom, Trivandrum” for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established,
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11.
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961,
- (v) that in the event of dissolution, it is surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 12/2002/F. No. 197/228/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 जनवरी, 2002

(आयकर)

का.आ. 1201—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “श्री गुरुवयूराम अस्थिका समाजम, चेन्नई” को 1992-93 से 1994-95 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से निम्न तरीकों से उसकी आय निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से निम्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार कंपनी आय विवरणी नियमित रूप से कंपाकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 16/2002/फा.सं. 197/45/2000-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवसर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1201.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central 1072 GI/2002—3

Government hereby notifies the “Sr Guruvayoorappan Asthika Samajam, Chennai” for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 16/2002/F. No. 197/45/2000-ITA-I]

I.P.S. BINDRA Under Secy.

नई दिल्ली, 31 जनवरी, 2002

(आयकर)

का.आ. 1202—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “हिन्दु सत्कार समिति, कोलकाता” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से

भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 20/2002/फा.सं. 197/78/98-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1202.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Hindu Satkar Samity, Kolkata" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 20/2002/F. No. 197/78/98-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 जनवरी, 2002

(आयकर)

का.आ. 1203.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "डिवाइन्स लार्ड्स ट्रस्ट फॉर द ब्लाइंड, बंगलौर" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11/2002/फा.सं. 197/63/2001-आयकर-नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1203.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Divine Light Trust for the Blind, Bangalore” for the purpose of the said Sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 11/2002/F. No. 197/63/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 जनवरी, 2002

(आयकर)

का.आ. 1204.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार

एतद्वारा “रेलवे मिनिस्टर्स वेलफेयर एण्ड रिलीफ फण्ड, नई दिल्ली” को 1995-96 से 1997-98 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 13/2002/फा.सं. 197/205/2001-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1204.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Railway Minister’s Welfare & Relief Fund, New Delhi” for the purpose of the said Sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-Section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 13/2002/F. No. 197/205/2001 - ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 जनवरी, 2002

(आयकर)

का.आ. 1205.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “सेन्टर फॉर साइंस एवं एनवायरनमेंट, नई दिल्ली” को 2000-2001 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारित उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ

तथा अभिलाष हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों—

(iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 14/2002/का.सं. 197/10/2002—आयकर नि.-I]

आई.पी.एस. बिद्रा, अवर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1205.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Centre for Science & Environment, New Delhi” for the purpose of the said Sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 14/2002/F. No. 197/10/2002—ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 जनवरी 2002

(आयकर)

का.आ. 1206.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दी सी.पी. रामास्वामी अय्यर फाउंडेशन, चेन्नई” को 1996-97 से 1998-99 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेयर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 15/2002/फा.सं. 197/223/2001—
आईटीए-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1206.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The C. F. Rama-

swami Aiyar Foundation, Chennai” for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income. or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961 ;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 15/2002/F. No. 197/223/2001—
ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 जनवरी, 2002

(आयकर)

का.आ. 1207.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “बालाजी उत्थान संस्थान, पटना” को 1995-96 से 1997-98 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेयर-जवाहिरात,

फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 17/2002/फा.सं. 197/3/2002-आईटीए-1]
आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1207.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the 'Balaji Utthan Sans-than, Patna' for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessment and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 17/2002/F.No. 197/3/2002-ITA-1]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 जनवरी, 2002

(आयकर)

का.आ. 1208:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इण्डियन काउंसिल फॉर चाइल्ड वेलफेयर, तमिलनाडू" को 1998-99 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेयर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 18/2002/फा.सं. 197/227/2001-

आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1208.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Indian Council for Child Welfare, Tamil Nadu” for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 18/2002/F. No. 197/227/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 जनवरी, 2002

(आयकर)

का.आ. 1209:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “रीचिंग द अनरीचज्ड, मदुरई” को 1993-94 से 1995-96 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,

(v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 19/2002/फा.सं. 197/220/2001-आईटीए-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st January, 2002

(INCOME TAX)

S.O. 1209.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Reaching the Unreached, Madurai” for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business,

unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 19/2002/F.No. 197/220/2001-ITA-II]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 6 फरवरी, 2002

(आयकर)

का.आ. 1210.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “कोडाईकनाल बोट क्लब, कोडाईकनाल” को 1993-94 से 1994-95 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिभूचित करती है, अर्थात् :—

- (i) कर-निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा गथासंगोद्धित धारा 11 की उपधारा (2) और (3) के उपबन्धों के अनुरूप पूर्णतया तथा अन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किमी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि [जिवर-जवाहिरात, फर्निचर अथवा किसी अन्य वस्तु जैसे, उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिभूचित किया जाए, के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न] का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) कर निर्धारिणी इसके सदस्यों को किसी भी तरीके से इसकी आय के किसी भाग का संविनरण इससे सम्बद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) वह अधिभूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अनिवार्य हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के

लिए प्रसंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 24/2002/फा.सं. 196/10/2000-
आयकर वि.-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 6th February, 2002

(INCOME TAX)

S.O. 1210.—In exercise of the powers conferred by clause (23) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Kodaikanal Boat Club, Kodaikanal” for the purpose of the said clause for assessment years 1993-94 to 1994-95 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-sections (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds, (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members, except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 24/2002/F.No. 196/10/2000-ITA-II]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 6 फरवरी, 2002

(आयकर)

का.आ. 1211.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा

“कोडाईकनाल बोट एंड रॉइंग क्लब, कोडाईकनाल” को 1995-96 से 1997-98 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा संशोधित धारा 11 की उपधारा (2) और (3) के उपबन्धों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिसके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि [जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न] का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) कर निर्धारिती इसके सदस्यों को किसी भी तरीके से इसकी आय के किसी भाग का संवितरण इससे सम्बंध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 27/2002/फा. सं. 196/10/2000-
आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवसर सचिव

New Delhi, the 6th February, 2002

(INCOME TAX)

S.O. 1111.—In exercise of the powers conferred by clause (23) of section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Kodaikanal Boat and Rowing Club, Kodaikanal” for the purpose of the said clause for assessment years 1995-96 to 1997-98 subject to the following conditions namely:—

- (i) the assessee will apply its income, or accumulate it for application, in consonance

with the provisions of sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainments of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 27/2002/F.No. 196/10/2000-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 6 फरवरी, 2002

(आयकर)

का. आ. 1212.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “माता अमृतानन्दमयी मठ, कोलाम जिला, केरल” को वर्ष 1997-98 से 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा संगत उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य

वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हो;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 25/2002/फा. सं. 197/41/2001-
आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 6th February, 2002

(INCOME TAX)

S.O.1212.—In exercise of the powers conferred by the sub-clause(v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Mata Amritanandamayi Math, Kollam District, Kerala” for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 25/2002/F.No. 197/41/2001-ITA-I]

I.P.S. BINDRA, Under Secy

नई दिल्ली, 6 फरवरी, 2002

(आयकर)

का.आ. 1213:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “वेद रक्षण निधि ट्रस्ट, चेन्नई” को वर्ष 1993-94 से 1995-96 तक के कर निर्धारण वर्षों के लिए निम्न-लिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 23/2002/फा.सं. 197/226/2001-
आयकर नि०-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 6th February, 2002
(INCOME TAX)

S.O.1213.—In exercise of the powers conferred by Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Veda Rakshana Nidhi Trust, Chennai” for the purpose of the said Sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No.23/2002/F. No. 197/226/2001-ITA-I]
I. P. S. BINDRA, Under Secy.

नई दिल्ली, 7 फरवरी, 2002

(आयकर)

का.आ.1214.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग के) उप खंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “आर्गेनाइजेशन ऑफ फार्मास्यूटिकल प्रोड्यूसर ऑफ इंडिया, मुंबई” को 1998-99 से 2000-2001 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी असधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी

एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 30/2002/फा.सं. 197/11/2002-आईटीए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 7th February, 2002

(INCOME-TAX)

S.O. 1214.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Organization of Pharmaceutical Producers of India, Mumbai” for the purpose of the said Sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961 ;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 30/2002/F. No. 197/11/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 7 फरवरी, 2002

(आयकर)

का.आ.1215.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “रेलवे स्पोर्ट्स प्रमोशन बोर्ड, नई दिल्ली” को 1997-98 एवं 1998-99 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा संशोधित धारा 11 की उप-धारा (2) और (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक ग्रंथदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जामा नहीं करवा सकेगा ;
- (iii) कर निर्धारिती उसके सदस्यों को किसी भी तरीके से इसकी आय के किसी भाग का संवितरण इससे सम्बद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा ; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 32/2002/फा.सं. 196/15/2001-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 7th February, 2002

(INCOME-TAX)

S.O. 1215.—In exercise of the powers conferred by clause (23) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Railway Sports Promotion Board, New Delhi” for the purpose of the said clause for assessment years 1997-98 and 1998-99 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of Sub-sections (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11 ;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it ; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainments of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 32/2002/F. No. 196/15/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 7 फरवरी, 2002

(आयकर)

का.आ.1216:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “तिरुमाला तिरुपति देवस्थानम् तिरुपति, चित्तूर” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 31/2002/फा.सं. 197/197/2001-
आयकर नि.-I]

आई०पी०एस० बिन्द्रा, अवर सचिव

New Delhi, the 7th February, 2002

(INCOME-TAX)

S.O. 1216.—In exercise of the powers conferred by the Sub-clause (v) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Tirumala Tirupathi Devasthanam, Tirupathi, Chittoor (A.P.)" for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 31/2002/F. No. 197/197/2001-
ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 8 फरवरी, 2002

(आयकर)

का.आ. 1217:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री सोमनाथ ट्रस्ट; प्रभाष पतन, डिस्ट्रिक्ट जूनागढ़, गुजरात" को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 33/2002/फा.सं. 197/232/2001-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 8th February, 2002

(INCOME-TAX)

S.O. 1217.—In exercise of the powers conferred by the Sub-clause (v) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Shree Somnath Trust, Prabhas Patan, Distt.-Junagadh, Gujarat" for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and grants of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961 ;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 33/2002/F. No. 197/232/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 8 फरवरी, 2002

(आयकर)

का.आ. 1218.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि इंस्टीट्यूट ऑफ दि फ्रान्मिस्केन मिशनरीज ऑफ मेरी, तमिलनाडु" को 1993-94 से 1995-96

तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिनी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिनी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिनी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) कर निर्धारिनी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 34/2002/फा.सं. 197/64/2001-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 8th February, 2002

(INCOME TAX)

S.O. 1218.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "The Institute of the Franciscan Missionaries of Mary, Tamil Nadu" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the income-tax Act, 1961.
- (v) that in the event of dissolution, it surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 34/2002/F. No. 197/64/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 8 फरवरी, 2002

(आयकर)

का.आ. 1219.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि सोसायटी ऑफ दि फ्रांसिकेन सर्वेंट्स ऑफ मेरी अलागापुरम, सेलम” को 1995-96 से 1997-98 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में निविदिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार

उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रामांगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 35/2002/फा.सं. 197/215/2001-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 8th February, 2002

(INCOME TAX)

S.O. 1219.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Society of the Franciscan Servants of Mary, Alagapuram, Salem” for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the income-tax Act, 1961;
- (v) that in the event of dissolution, it surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 35/2002/F. No. 197/215/2001-ITA-I]
I. P. S. BINDRA, Under Secy

नई दिल्ली, 8 फरवरी, 2002

(आयकर)

का.आ. 1220.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “द साउथ अरकोट डायोमन कॉरपोरेशन, कड्डालोर, तमिलनाडु” को 1993-94 से 1995-96 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशिओं और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 36/2002/फा.सं./197/222/2001-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 8th February, 2002

(INCOME TAX)

S.O. 1220.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The South Arcot

Diocesan Corporation, Cuddalore, Tamil Nadu” for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 36/2002/F. No. 197/222/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 8 फरवरी, 2002

(आयकर)

का.आ. 1221.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि इंस्टीट्यूट ऑफ दि फ्रांसिकेन मिशनरीज ऑफ मेरी, सोसायटी” नं. 13, नीलगिरीज को 1993-94 से 1995-96 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के :

में प्राप्त नया अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

(4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(5) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 38/2002/फा.सं. 197/225/2001-आयकर नि.-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 8th February, 2002

(INCOME TAX)

S.O. 1221.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "The Institute of the Franciscan Missionaries of Mary, Society No. 13, Nilgiris" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 38/2002/F. No. 197/225/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 8 फरवरी, 2002

(आयकर)

का.आ. 1222.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "श्री रमनाश्रमम् तिरुवन्नामले, तमिलनाडु" को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेल्स-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 40/2002/फा.सं. 197/28/2002-आयकर नि.-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 8th February, 2002

(INCOME TAX)

S.O. 1222.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (46 of 1961), the Central Government hereby notifies the "Sri Ramanasramam, Tiruvannamalai, Tamil Nadu" for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 40/2002/F. No. 197/28/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 8 फरवरी, 2002

(आयकर)

का.आ. 1223.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री अरविन्दो समिति, कोलकाता" को 1994-95 से 1996-97 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारित उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी शक्ति के दौरान

धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु यादिक के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवायेगा ;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जहाँ कारोबार से प्राप्त लाभ तथा अभिव्यक्ति हो चूक तक कि ऐसा कारोबार उक्त कर निर्धारित उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जानी हों ;
- (4) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ नमान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी ।

[अधिसूचना सं. 37/2002/आ.सं. 197/64/99-आयकर
नि.-1]

आई.पी.एस. बिन्द्रा, अव. सचिव

New Delhi, the 8th February, 2002

(INCOME TAX)

S.O. 1223.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sri Aravindo Samity, Kolkata" for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 37/2002/F. No. 197/64/99-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 8 फरवरी, 2002

(आयकर)

का.आ. 1224.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दी भारत स्काउट एंड गाइड्स, नई दिल्ली” को 1995-96 से 1997-98 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) विघटन की स्थिति में प्रतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 39/2002/फा.सं. 197/100/2000-आई-टीए-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 8th February, 2002

(INCOME TAX)

S.O. 1224.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby

notifies the “The Bharat Scouts and Guides, New Delhi” for the purpose of the said Sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

(Notification No. 39/2002/F. No. 197/100/2000-ITA-I)
I. P. S. BINDRA, Under Secy.

नई दिल्ली, 12 फरवरी, 2002

(आयकर)

का.आ. 1225.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इंस्टीट्यूट फार फाइनन्सियल मैनेजमेंट एण्ड रिसर्च, नंगामबक्कम्, चेन्नई” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार

उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

- (5) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना 42/2002/फा.सं. 197/236/2001-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 12th February, 2002

(INCOME TAX)

S.O. 1225.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Institute for Financial Management and Research, Nungambakkam, Chennai" for the purpose of the said Sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 42/2002/F. No. 197/236/2001-ITA-I]
I. P. S. BINDRA, Under Secy.

नई दिल्ली, 12 फरवरी, 2002

(आयकर)

का. आ. 1226.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि मृतचर्जी नौरोजी ब्रानाजी इंडस्ट्रियल होम फार दि ब्लाइंड, मुम्बई" को

वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए उसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 43/2002/फा. सं. 197/105/2001 आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 12th February, 2002

(INCOME TAX)

S.O. 1226.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "The Mancheree Nowrojee Banajee Industrial Home for the Blind, Mumbai" for the purpose of the said Sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one

or more of the forms or modes specified in Sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 43/2002 F. No. 197/105/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 12 फरवरी, 2002

(आयकर)

का. आ. 1227.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा दि. सोसायटी आफ दि फ्रांसिस्क्न सर्वेंट्स आफ मेरी अलगपुरम, सेलम, तमिलनाडु को वर्ष 1992-93 से 1994-95 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिनियमित करती है, अर्थात्:—

- (1) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में चिन्हित किसी एक अथवा एक से अधिक दत्त अथवा तरीकों से निम्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्निचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से निधि) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिनियमिता किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिमान हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए आवश्यक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-गुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निर्धारित रूप से आयकर प्राधिकारी के समक्ष उपस्थित करेगा;

(5) सोसायटी के विघटन की स्थिति में अतिरिक्त राशिओं और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[प्रधिसूचना सं. 41/2002/फा. सं. 197/235/2001-

आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 12th February, 2002

(INCOME TAX)

S.O. 1227.—In exercise of the powers conferred by the Sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "The Society of the Franciscan Servants of Mary, Alagapuram, Salem, Tamil Nadu" for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 41/2002 F. No. 197/235/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 21 फरवरी, 2002

(आयकर)

का. आ. 1228.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ओम् उज्जैनी नरम सिमहामना श्री तारालालो जगद्गुरु वृद्धनमठ गिरिगेरे, कर्नाटक" को 1999-2000 से 2001-2002 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिनियमित करती है, अर्थात्:—

- (1) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,

(2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,

(4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(5) विघटन की स्थिति में अनिर्दिष्ट राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

इसे दिनांक 31 दिसम्बर, 2001 की अधिसूचना सं. 382/2001 को अधिक्रमिक करके जारी किया गया है।

[अधिसूचना सं. 48/2002/फा. सं. 197/198/2001-आईटीए-1]

आई. पी. एम. बिन्द्रा, अवर सचिव

New Delhi, the 21st February, 2002

(INCOME TAX)

S.O. 1228.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Srimad Ujjayini Saddharma Simhasana Sri Taralabalu Jagadguru Brihanmath Sirigere, Karnataka" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income to the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

This issues in supersession of notification No. 382/2001 dated 31st December, 2001.

[Notification No. 48/2002/F. No. 197/198/2001-ITA-1]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 21 फरवरी, 2002

(आयकर)

का.आ.1229:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "महाराणा प्रताप स्मारक समिति, उत्तरपुर, राजस्थान" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्न लिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) सोसायटी के विघटन की स्थिति में अनिर्दिष्ट राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 48/2002/फा. सं. 197/237/2001-आ.क.नि.-1]

आई. पी. एम. बिन्द्रा, अवर सचिव

New Delhi, the 21st February, 2002

(INCOME-TAX)

S.O. 1229.—In exercise of the powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Maharana Pratap Smarak Samity, Udaipur, Rajasthan" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961 ;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 46/2002/F. No. 197/237/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 21 फरवरी, 2002

(आयकर)

का.आ.1230.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भारत सेवाश्रम संघ, कोलकाता" को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जबर-जवाहिरात, फर्नीचर, अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनरक्षित स्वच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखापुस्तिकाएं नहीं रखी जाती हों;

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राविहारी के समक्ष फाइल करेगा ;

- (v) विषय की स्थिति में अतिरिक्त राशियों और परिसंपत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 47/2002/फा. सं. 197/36/2002/-
आ.क. नि.-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 21st February, 2002

(INCOME-TAX)

S.O. 1230.—In exercise of the powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the 'Bharat Sevashram Sangha, Kolkata' for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the

a journal of the operations of the assessee and separate books of accounts are maintained in respect of such business ;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961 ;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 47/2002 (F. No. 197/36/2002-
ITA-II]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 21 फरवरी, 2002

(आयकर)

का.आ.1231.—ग्राहक अभिव्यक्ति, 1961 (1961 का 43) की धारा 10 के तहत (23A) के डाइट (iv) द्वारा प्रदान शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्वाचा "विशेषीयार सेक्स-रेसिडेंट प्रोपेरेटा इन्स्टिट्यूट, चेन्नई" को 1998-99 से 2000-2001 तक के कर निगमन वर्षों के लिए विधिविनिर्दिष्ट शर्तों के अर्थात् यन्त्रिय प्रदान उपबंध से प्रयोजनार्थ कर्तव्यित्व कर्तती है. शर्तित :-

(i) इस निर्णयितो उम्की दाय का ह्मनेमाल दायता
उम्की दाय का ह्मनेमाल करने के लिए उम्का
संभार पूर्णतः तब तक "अ-य-य" उन उद्देश्यों के
लिए करेगा जिसके लिए हमकी रक्षात्मक की गई है;

(11) क्या निम्नलिखित पर्याप्त रूप से विवेचित हैं? यदि हाँ तो संयुक्त परिषद द्वारा की गई प्रतिक्रिया का संक्षेपित वर्णन करें। यदि नहीं तो संयुक्त परिषद द्वारा की गई प्रतिक्रिया का संक्षेपित वर्णन करें।

(११) यद्यपि विधायक-पक्ष किसी ऐसी श्रम के संबंध में तत्पर नहीं होगी, जोकि कारोबार में प्राप्त लाभ तथा अभिवृद्धि को पक्ष-तत्परिणाम-कारोबार उद्यम को निर्वाह-क्षम के अर्थों में प्रत्येक के लिए प्रयोज्य नहीं हो तथा ऐसी कारोबार के संबंध में श्रम से पैदा परिणाम नहीं पड़ेंगे।

(iv) कर निवर्तियों कायदेर अधिनियम, 1961 के प्रावधानों के अनुसार कर्तव्य काय निवहारी नियमित कर के आयकर प्रक्रियाओं के समान प्रवृत्त होगी ;

(V) आवृत्ति : प्रयोग के दौरान प्रत्येक 15 मिनट पर निम्नलिखित प्रक्रियाओं को पन्निप्रतियों परान उद्देश्यों वाले क्षणिक प्रयोगों के दी जाएगी।

[प्रतिपुष्ता सं. २०/२००२/पा. सं. १०७/५/२००२-
आ.प. वि-१]

श्याही, पी. एच. डिग्री, अवर नर्सिग

New D. M., the 21st February, 2002

(INCOME-TAX)

S.O. 1231.—In exercise of the powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Periyar Self-Respect Propaganda Institution, Chennai" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

(i) assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established :

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11 :

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;

(iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961 ;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

Notification No. 49/2002/E, No. 197/5/2002-
ПА-П

L. P. S. BINDRA, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

(आगकर)

का.आ.1232 :—प्राप्तकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "निगलन रॉबिन्सन एसोसिएट्स प्राइवेट लिमिटेड, नई दिल्ली" को 1994-95 से 1996-97 तक के लिए निर्धारण वर्षों के लिए निम्न-

लिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है; अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा संशोधित धारा 11 की उपधारा (2) और (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी भी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों में उसकी निधि [ज्वर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न] का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा मकेगा;
- (iii) कर निर्धारिती इसके सदस्यों को किसी भी तरीके से इसकी आय के किसी भाग का संवितरण इससे सम्बद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखापुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 53/2002/फा.सं. 196/17/2001-आयकर-नि-1]
आई. पी. एस. बिन्द्रा, असर सचिव

New Delhi, the 28th February, 2002

(INCOME TAX)

S.O. 1232.—In exercise of the powers conferred by clause (23) of section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “National Rifle Association of India, New Delhi” for the purpose of the said clause for assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11.
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainments of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 53/2002/F. No. 196/17/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 20 मार्च, 2002

(आयकर)

का.आ.1233.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि इन्स्टीट्यूट आफ दि फ्रेंसिसकेन मिशनेरीज आफ मेरी, सोसायटी नं. 12, नीलगिरीज तमिलनाडू” को 1993-94 से 1995-96 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों में उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए

प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष, फाइल करेगा ;

(v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 64/2002/फा. सं. 197/8/2002—

आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 20th March, 2002

(INCOME TAX)

S.O. 1233.—In exercise of the powers conferred by the Sub-clause (V) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Institute of the Franciscan Missionaries of Mary, Society No. 12, Nilgiris, Tamil Nadu” for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 64/2002/F No. 197/8/2002-ITA-I]
I. P. S. BINDRA, Under Secy.

नई दिल्ली, 20 मार्च, 2002

(आयकर)

का.आ.1234.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद् द्वारा “मार थोमा सिरियन चर्च, आफ मालाबार, तिरुवेला” को वर्ष 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्न लिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है। अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन दे दी जाएंगी ।

[अधिसूचना सं. 65/2002/फा. सं. 197/144/2001—
आयकर नि.-I भाग]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 20th March, 2002

(INCOME TAX)

S.O. 1234.—In exercise of the powers conferred by the Sub-clause (V) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Mar Thoma Syrian Church of Malabar,

Tiruvalla" for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 65/2002[F. No. 197/144/2001-ITA-1 (Pt.)]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 20 मार्च, 2002

(आयकर)

का. आ. 1235.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इंडियन एसोसिएशन ऑफ पार्लियामेन्टेरियन फ़ासुलेशन एंड डेवलपमेंट, नई दिल्ली" को वर्ष 1995-96 से 1997-98 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अन्वयतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य

वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिजात हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-गुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना संख्या 62/2002फा. सं. 197/142/97-आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 20th March, 2002

(INCOME TAX)

S.O. 1235.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Indian Association of Parliamentary Population and Development, New Delhi" for the purpose of the said Sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery; furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profit and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 62/2002[F. No. 197/142/97-ITA-I]
I. P. S. BINDRA, Under Secy.

नई दिल्ली, 20 मार्च, 2002

(आयकर)

का. आ. 1236:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4)

द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "हार्ट केयर फाउंडेशन ऑफ इंडिया, नई दिल्ली" को 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 2 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि वस्तु के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिमम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 63/2002 /फाइल सं. 197/27/-
2002-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवसर सचिव

New Delhi, the 20th March, 2002

(INCOME TAX)

S.O. 1236.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Heart Care Foundation of India, New Delhi" for the purpose of the said Sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of modes specified in Sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 63/2002/F. No. 197/27/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 20 मार्च, 2002

(आयकर)

का.आ.1237.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "दि पेयियार मनियाम्मई एजुकेशनल एंड चैरिटेबल सोसायटी, चेन्नई" को वर्ष 1998-99 से 2000-01 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारित उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों में उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी

मित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 66/2002/फा. सं. 197/23/2002-आई टी ए-II]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 20th March, 2002
(INCOME TAX)

S.O. 1237.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Periyar Maniammai Educational and Charitable Society, Chennai” for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, it surplus and the assets will be given

to a charitable organization with similar objectives.

[Notification No. 66/2002/F. No. 197/23/2002-ITA-I]

I. P. S. BINDRA; Under Secy.

नई दिल्ली, 2 अप्रैल, 2002

(आयकर)

का.आ.1238:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “श्री सिद्धगंगा गठ, टूमकूर, कर्नाटक स्टेट वर्प” 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अन्नयतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखापुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 73/2002/फा. सं. 197/43/2002-आई.टी. ए.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 2nd April, 2002

(INCOME TAX)

S.O. 1238.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Sree Siddaganga Math, Tumkur, Karnataka State” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 73/2002/F. No. 197/43. 2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली; 2 अप्रैल, 2002

(आयकर)

का.आ.1219.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार

एतद्वारा “दी भारत स्काउट्स, एंड गाइड्स, नई दिल्ली” को वर्ष 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अन्नयतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ,
- (v) विघटन की स्थिति में अतिरिक्त राशियां और सम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 74/2002/फा. सं. 197/42/2002-आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 2nd April, 2002

(INCOME-TAX)

S.O. 1239.—In exercise of the powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Bharat Scouts and Guides, New Delhi” for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions

received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;

(iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961 ;

(v) that in the event of dissolution, it surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 74/2002/F. No. 197/42/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 2 अप्रैल, 2002

(आयकर)

का.आ. 1240.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “केरल हेडलूम वर्क्स वेलफेयर फंड बोर्ड, तालिकावु, कन्नानोर” 1994-95 से 1996-97 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 75/2002/फा.सं. 197/24/2002-आई.टी.ए.-I]

आई.पी.एस. बिन्द्रा, अधर सचिव

New Delhi, the 2nd April, 2002

(INCOME-TAX)

S.O. 1240.—In exercise of the powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Kerala Handloom Workers’ Welfare Fund Board, Thalikaavu, Cannanore” for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;

(iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961 ;

(v) that in the event of dissolution, it surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 75/2002/F. No 197/24/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 2 अप्रैल, 2002

(आयकर)

का.आ. 1241.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “मेडिकल रिसर्च फाउंडेशन, चेन्नई” को 1999-2000

से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए, उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) इसके विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 76/2002/फा.सं. 197/15/2002—आयकर नि.-I]

आई.पी.एम. बिन्द्रा, अवर सचिव

New Delhi, the 2nd April, 2002

(INCOME TAX)

S.O. 1241.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Govt. hereby notifies the "Medical Research Foundation, Chennai" for the purpose of the said Sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than

in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 76/2002/F. No. 197/15/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 2 अप्रैल, 2002

(आयकर)

का.आ. 1242.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "प्रयास जेवनाइल एंड मेन्टर, जहांगीर पुरी, दिल्ली" को वर्ष 1998-99 से 2000-01 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए, उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 77/2002/फा.सं. 197/58/2001—

आई.टी.ए.-I]

आई.पी.एम. बिन्द्रा, अवर सचिव

New Delhi, the 2nd April, 2002

(INCOME TAX)

S.O. 1242.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Govt. hereby notifies the “Prayas Juvenile Aid Centre, Jahangirpuri, Delhi” for the purpose of the said sub-clause for the assessment years 1998-1999 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 77/2002/F. No. 197/58/2001-JTA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 2 अप्रैल, 2002

(आयकर)

का.आ. 1243.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “जीव प्रकाश विद्यापीठ, दिल्ली” को वर्ष 1995-96 से 1997-98 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अन्वयतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों,
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (5) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 72/2002/का.सं. 197/129/96—

आई.टी.ए-1]

आई.पी.एस. बिन्द्रा, अवसर सचिव

New Delhi, the 2nd April, 2002

(INCOME TAX)

S.O. 1243.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Jiv Prakash Vidyapeeth, Delhi” for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, it surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 72 2002 F.No. 197/129/96-ITA-I]

I. P. S. BINDRA, Under Secy.

शुद्धिपत्र

नई दिल्ली, 6 फरवरी, 2002

(आयकर)

का.आ. 1244.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखंड (iv) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्-द्वारा “नेशनल हाईवेज अथॉरिटी ऑफ इंडिया, भूतल परिवहन मंत्रालय, नई दिल्ली” के मामले में समसंख्या से जारी दिनांक 23-02-1999 की अधिसूचना सं. 10806 में निम्नलिखित संशोधन करती है:—

पहले पैरा की 5 और 6 पंक्तियों में, “निर्धारण वर्ष 1995-96 से 1998-99 तक” के स्थान पर शब्द और संख्या “निर्धारण वर्ष 1995-96 से 1997-98” तब प्रतिस्थापित किया जाए।

3. इस अधिसूचना की अन्य सभी विषय वस्तु अपरिवर्तनीय रहेंगी।

[अधिसूचना सं. 28/2002/फा.सं. 197/120/96-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

CORRIGENDUM

New Delhi, the 6th February, 2002

(INCOME-TAX)

S.O. 1244.—In exercise of powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendments in the Notification No. 10806 dated 23-02-1999 in the case of “National Highways Authority of India, Ministry of Surface Transport, New Delhi” issued from even number :

In lines 5 and 6 of the First para, the words and numbers “assessment years 1995-96 to 1998-99” should be substituted with words and numbers “assessment years 1995-96 to 1997-98”.

3. All other contents of the said notification remain unchanged.

[Notification No. 28/2001/F.No.197/120/96-ITA.I]

I. P. S. BINDRA, Under Secy.

शुद्धिपत्र

नई दिल्ली, 6 फरवरी, 2002

(आयकर)

का.आ. 1245.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्-द्वारा “नेशनल कल्चर फण्ड, नई दिल्ली” के मामले में समसंख्या से जारी दिनांक 7-9-1998 की अधिसूचना संख्या 10687 में निम्नलिखित संशोधन करती है:—

पहले पैरा की 5 और 6 पंक्तियों में, “निर्धारण वर्ष 1996-97 से 1999-2000 तक” में शब्द और संख्या के स्थान पर शब्द और संख्या “निर्धारण वर्ष 1997-98 से 1999-2000 तक” प्रतिस्थापित किए जाएं।

2. इस अधिसूचना की अन्य सभी विषय वस्तु अपरिवर्तनीय रहेंगी।

[अधिसूचना संख्या 29/2002/फा.सं. 197/113/96-आयकर नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

CORRIGENDUM

New Delhi, the 6th February, 2002

(INCOME-TAX)

S.O. 1245.—In exercise of powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendments in the Notification No. 10687 dated 7-9-1998 in the case of “National Culture Fund, New Delhi” issued from even number :

In lines 5 and 6 of the First para, the words and numbers “assessment years 1996-97 to 1999-2000” should be substituted with words and numbers “assessment years 1997-98 to 1999-2000”.

2. All other contents of the said notification remain unchanged.

[Notification No. 29/2002/F.No. 197/113/96-ITA.I]

I. P. S. BINDRA, Under Secy.

शुद्धिपत्र

नई दिल्ली, 21 मार्च, 2002

का.आ. 1246:—आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23छ) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा अधिसूचना सं. 50/2002 दिनांक 26 फरवरी, 2002 के तहत अनुमोदित उद्यम के नाम में निम्नलिखित संशोधन करती है।

2. अधिसूचना के पैरा 3 में, अनुमोदित उद्यम को संशोधित करके इस प्रकार पढ़ा जाए:

“मैसर्स गुजरात पावर जेन एनर्जी कॉर्पोरेशन लि., 6ठीं मंजिल “चाणक्य” आफ आश्रम रोड, अहमदाबाद-38009”

[अधिसूचना सं. 68/2002 /फा.सं. 203/43/98-आयकर नि.-II खण्ड-1]

संगीता गुप्ता, निदेशक,

CORRIGENDUM

New Delhi, the 21st March, 2002.

S.O. 1246.—In exercise of the powers conferred in clause 23(G) of Section 10 of the Income-tax Act, 1961, the Central Government hereby makes the following correction in the name of the enterprise approved vide Notification No. 50/2002 dated 26th February, 2002.

2. In para 3 of the Notification, the enterprise approved shall be corrected to read as—

“M/s. Gujarat Power Gen Energy Corporation Ltd., 6th Floor, ‘Chanakya’ Off Ashram Road, Ahmedabad-380009.”

[Notification No. 68/2002/F. No. 203/43/98-ITA. II Vol. I]

SANGEETA GUPTA, Director

केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क आयुक्त का कार्यालय

नागपुर, 19 मार्च, 2002

सं. 1/2002

का.आ. 1247:—श्री आर. जी. गायगोरे, अधीक्षक समूह ‘ख’ केन्द्रीय उत्पाद एवं सीमा शुल्क आयुक्तालय, नागपुर, निवर्तन की आयु प्राप्त करने पर दिनांक 28-2-2002 को अपरान्ह में शारीरिक सेवा से निवृत्त हुये।

[सी. सं. II(7)4/97/स्था.-I]

राजीव कुमार, अपर आयुक्त (कार्मिक एवं सतर्कता)

1072 GI/2002—8

OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE AND CUSTOMS
No. 1/2002

Nagpur, the 19th March, 2002

S.O. 1247.—Shri R. G. Gaigore, Superintendent, Group ‘B’ Central Excise and Customs, Nagpur Commissionerate, having attained the age of superannuation, retired from Government Service in the afternoon of 28-2-2002.

[C. No. II(7)4/97-Et-I]

RAJIVA KUMAR, Add. Commissioner
(P&V)

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय प्रथम

जयपुर, 1 अप्रैल, 2002

सं. 1-सीमा शुल्क (एन टी) 2002

(सीमा शुल्क)

का.आ. 1248:—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94 सीमा शुल्क (एन टी) दिनांक प्रथम जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं, प्रवीण महाजन, आयुक्त, केन्द्रीय उत्पाद शुल्क, जयपुर-प्रथम एतद्वारा शतप्रतिशत ई.ओ.यू. स्थापित करने के उद्देश्य से राजस्थान राज्य के सीकर जिले के औद्योगिक क्षेत्र को भण्डारण स्टेशन (वेयर हाउसिंग स्टेशन) घोषित करती हूँ।

[सी. सं. पंचम (16) सी.शु./1/2002]

प्रवीण महाजन, आयुक्त

OFFICE OF THE COMMISSIONER, CENTRAL
EXCISE

Jaipur, the 1st April, 2002

No. 1-CUS(NT)2002

(CUSTOMS)

S.O. 1248.—In exercise of the powers conferred by Notification No. 33/94-Customs (NT), dated the 1st July, 1994, by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, issued under clause (a) of Section 152 of Customs Act, 1962, I, Praveen Mahajan, Commissioner of Central Excise, Jaipur-I, hereby declare, Industrial Area, Sikar, in the State of Rajasthan to be warehousing station under Section 9 the Customs Act, 1962 for the purpose of setting up 100 per cent E.O.U.

[C. No. V(16)Cus/1/2002]

PRAVEEN MAHAJAN, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 20 मार्च, 2002

का. आ. 1249:—राष्ट्रीय कृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखंड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा नीचे दी गई सारणी के कालम (2) में निर्दिष्ट व्यक्तियों को तत्काल प्रभाव से तथा अगले आदेश तक के लिए उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में निर्दिष्ट राष्ट्रीयकृत बैंकों के निदेशक नामित करती है :

सारणी

1	2	3
इलाहाबाद बैंक	श्री जी भुजबल निदेशक, बीमा प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री डी. चौधरी
बैंक ऑफ महाराष्ट्र	डा. नरुण श्राम, आर्थिक सलाहकार, आर्थिक प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री योगेश चन्द्र
केनरा बैंक	श्री अजीत एस. शरण संयुक्त सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री आलोक कुमार
सेंट्रल बैंक ऑफ इंडिया	श्री आलोक कुमार, निदेशक, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री वी. एम. मीना
देना बैंक	श्री एस. नाथन निदेशक, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री प्रदीप कुमार
इंडियन बैंक	श्री राम मूर्ति निदेशक, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री डी. के. त्यागी
इंडियन ओवरसीज बैंक	मुथू उषा माथुर, संयुक्त सचिव, व्यय विभाग, वित्त मंत्रालय, नई दिल्ली।	श्री राममोहन

1	2	3
पंजाब नैशनल बैंक	श्री वी. एस. मीना संयुक्त सचिव, राजस्व विभाग, वित्त मंत्रालय, नई दिल्ली।	श्री पी. एम. मिराजुद्दीन
सिडिकेट बैंक	श्री पी. जे. विन्सेंट, संयुक्त सचिव एवं एफ ए व्यय विभाग, वित्त मंत्रालय, नई दिल्ली।	श्री एन. एन. खाला
यूको बैंक	श्री सुदेश कुमार निदेशक, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली,	श्री जी. आर. सुमन
युनाइटेड बैंक ऑफ इंडिया	श्री वी. एम. सिराजुद्दीन, निदेशक, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री राम मुईवा

[फा. सं. 9/3/2002-बी. ओ.-I (i)]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 20th March, 2002

S. O. 1249.—In exercise of the powers conferred by clause (b) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates the persons specified in column (2) of the table below as directors of the banks specified in column (1) thereof in place of the persons specified in column (3) of the said table, with immediate effect and until further orders :-

TABLE

(1)	(2)	(3)
Allahabad Bank	Shri G. Bhujabal, Director, Insurance Division, Ministry of Finance, New Delhi.	Shri D. Choudhury
Bank of Maharashtra	Dr. Tarun Das, Economic Advisor, Economic Division, Ministry of Finance, New Delhi.	Shri Yogesh Chandra
Canara Bank	Shri Ajit M. Saran, Joint Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri Alok Kumar
Central Bank of India	Shri Alok Kumar, Director, Banking Division, Ministry of Finance, New Delhi.	Shri B. S. Meena

(1)	(2)	(3)
Dena Bank	Shri S. Nayak, Director, Banking Division, Ministry of Finance, New Delhi.	Shri Pradeep Kumar
Indian Bank	Shri Ram Muivah, Director, Banking Division, Ministry of Finance, New Delhi.	Shri D. K. Tyagi
Indian Overseas Bank	Ms. Usha Mathur, Joint Secretary, Department of Expenditure, Ministry of Finance, New Delhi.	Shri Ram Mohan
Punjab National Bank	Shri B. S. Meena, Joint Secretary, Department of Revenue, Ministry of Finance, New Delhi.	Shri P. M. Sirajuddin
Syndicate Bank	Shri P. J. Vinoent, Joint Secretary and FA, Department of Expenditure, Ministry of Finance, New Delhi.	Shri N. N. Rayalu
UCO Bank	Shri Sudesh Kumar, Director, Banking Division, Ministry of Finance, New Delhi.	Shri G. R. Summan
United Bank of India	Shri P. M. Sirajuddin, Director, Banking Division, Ministry of Finance, New Delhi.	Shri Ram Muivah

[F. No. 9/3/2002-B.O.I. (i)]
RAMESH CHAND. Under Secy.

नई दिल्ली, 20 मार्च, 2002

का. आ. 1250.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उपखंड (1) के साथ पठित बैंक कारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा 3 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा नीचे दी गई सारणी के कालम (2) में निर्दिष्ट व्यक्तियों को तत्काल प्रभाव से तथा अगले आदेश तक के लिए उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में निर्दिष्ट राष्ट्रीयकृत बैंकों के निदेशक नामित करती है:—

सारणी

1	2	3
आन्ध्रा बैंक	श्री जी. एस. दत्त संयुक्त सचिव, आर्थिक कार्य विभाग, नई दिल्ली।	श्री एम. एम. नामगुथिरी

1	2	3
कारपोरेशन बैंक	श्री प्रदीप कुमार, निदेशक, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली,	डा. तरुण दास
रांजाव एंड सिध बैंक	श्री जी आर सुमन उप सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली	श्री पी. जे. विन्सेंट
विजया बैंक	श्री आर. रंगनाथ निदेशक, बीमा प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री एस. के. ठाकुर

[फा. सं. 9/3/2002—बी. ओ. I (ii)]

रमेश चन्द, अवर सचिव

New Delhi, the 20th March, 2002

S. O. 1250.—In exercise of the powers conferred by clause (b) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with Sub-clause (1) of clause (3) of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1980 the Central Government, hereby nominates the persons specified in column (2) of the table below as directors of the banks specified in column (1) thereof in place of the persons specified in column (3) of the said table, with immediate effect and until further orders :—

TABLE

(1)	(2)	(3)
Andhra Bank	Shri G. S. Dutt, Joint Secretary, Department of Economic Affairs, New Delhi.	Shri M. M. Nampoothiry
Corporation Bank	Shri Pradeep Kumar, Director, Banking Division, Ministry of Finance, New Delhi,	Dr. Tarun Das
Punjab and Sind Bank	Shri G. R. Summan, Deputy Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri P. J. Vincent
Vijaya Bank	Shri R. Renganath, Director, Insurance Division, Ministry of Finance, New Delhi.	Shri S. K. Thakur

[F. No. 9/3/2002-B.O.I. (ii)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 20 मार्च, 2002

का. आ. 1251.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 की धारा 25 की उपधारा (1) के खंड (इ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा नीचे दी गई सारणी के कालम (2) में निर्दिष्ट व्यक्तियों को तत्काल प्रभाव से तथा अगले आदेश तक के लिए उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में निर्दिष्ट राष्ट्रीयकृत बैंकों के निदेशक नामित करती है:—

सारणी

1	2	3
स्टेट बैंक ऑफ बिकानेर एंड जयपुर	श्री एस. डी. एस. मिन्हास अवर सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय नई दिल्ली।	श्री वी. पी. ग्रोवर
स्टेट बैंक ऑफ इंदौर	श्री एस. के. ठाकुर अवर सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री ए. थॉमस
स्टेट बैंक ऑफ सौराष्ट्र	श्री कृष्ण लाल अवर सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री एल. सी. टूरा
स्टेट बैंक ऑफ त्रावणकोर	श्री डी. चौधरी अवर सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री एस. सुब्रमण्य

[फा. सं. 9/3/2002-बी ओ आई (iii)]

रमेश चन्द, अवर सचिव

New Delhi, the 20th March, 2002

S.O. 1251.—In exercise of the powers conferred by clause (e) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act, 1959, the Central Government, hereby nominates the persons specified in column (2) of the table below as directors of the banks specified in column (1) thereof in place of the persons specified in column (3) of the said table, with immediate effect and until further orders ;

TABLE

(1)	(2)	(3)
State Bank of Bikaner & Jaipur	Shri S.D.S. Minhas, Under Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri V.P. Grover
State Bank of Indore	Shri S.K. Thakur, Under Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri A. Thomas

(1)	(2)	(3)
State Bank of Saurashtra	Shri Krishan Lal, Under Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri L.C. Toora
State Bank of Travancore	Shri D. Choudhury, Under Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri M. Subramani

[F. No. 9/3/2002-B.O. I(iii)]
RAMESH CHAND, Under Secy.

रसायन और उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 1 अप्रैल, 2002

का.आ. 1252 :—केन्द्रीय सरकार, राजभाषा, संघ के शासकीय प्रयोजनों के लिए प्रयोग, नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में रसायन एवं उर्वरक मंत्रालय, उर्वरक विभाग के प्रशासनिक नियंत्रण में आने वाले निम्नलिखित कार्यालयों को, जिसके 80 प्रतिशत कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त किया है, अधिसूचित करती है :

1. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि.,
क्षेत्रीय कार्यालय, लखनऊ, उत्तर प्रदेश
2. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि.,
क्षेत्रीय कार्यालय, मेरठ, उत्तर प्रदेश
3. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि.,
क्षेत्रीय कार्यालय, गोरखपुर, उत्तर प्रदेश
4. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि.,
क्षेत्रीय कार्यालय, बरेली, उत्तर प्रदेश
5. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि.,
क्षेत्रीय कार्यालय, मुजफ्फरपुर बिहार
6. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि.,
मण्डल कार्यालय, बंगलौर, कर्नाटक

[सं. ई-11011/1/2001-हिन्दी]
 बलविन्दर कुमार, संयुक्त सचिव

MINISTRY OF CHEMICALS AND FERTILIZERS
 (Department of Fertilizers)

New Delhi, the 1st April, 2002

S.O. 1252.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language “Use for official purposes of the Union” Rule 1976 the Central Government hereby notifies the following offices, under the Administrative Control of Ministry of Chemicals and Fertilizers, Department of Fertilizers, more than 80 per

cent staff whereof have acquired the working knowledge of Hindi :—

1. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Lucknow, Uttar Pradesh.
2. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Meerut, Uttar Pradesh.
3. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Gorakhpur, Uttar Pradesh.
4. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Bareilly, Uttar Pradesh.
5. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Muzaffarpur, Bihar.
6. Indian Farmers Fertilizers Cooperative Limited, Mandal Office, Bangalore, Karnataka.

[No. E-11011/1/2001-Hindi]
BALVINDER KUMAR, Jt. Secy.

कृषि मंत्रालय

(कृषि अनुसंधान तथा शिक्षा विभाग)

नई दिल्ली, 27 मार्च, 2002

का.आ. 1253 :—केन्द्रीय सरकार, कृषि मंत्रालय, कृषि अनुसंधान तथा शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली 1976 के नियम 10 के उपनियम (4) के अनुसरण में एतद्वारा केन्द्रीय मुद्दी मास्त्रिकी अनुसंधान संस्थान, कोचीन के विषिजम, तुरुवंतपुरम स्थित अनुसंधान केन्द्र जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[संख्या 13/2/2002-रा.भा.]
 सतव्रत सिंह, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research and Education)

New Delhi, the 27th March, 2002

S.O. 1253.—In pursuance of Sub-rule 4 of Rule 10 of the Official Language (use of official purpose of

the union) Rules, 1976, the Central Government, Ministry of Agriculture, Department of Agricultural Research and Education hereby notifies the Vizhinjam, Thiruvananthapuram Research Centre of CMFRI (ICAR), Cochin where more than 80 per cent of staff have acquired the working knowledge of Hindi.

[No. 13-2/2002-O.L.]

SATWANT SINGH, Under Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 20 मार्च, 2002

का.आ. 1254.—राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेल मंत्रालय (रेलवे बोर्ड) भारतीय रेल विद्युत इंजीनियरिंग संस्थान, नासिक रोड को, जहां 80 प्रतिशत अधिकारियों/कर्मचारियों ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करता है,

[सं. हिन्दी-2001/रा.भा.-1/12/2]

आर. के. सिंह, सचिव, रेलवे बोर्ड

MINISTRY OF RAILWAY

(Railway Board)

New Delhi, the 20th March, 2002

S.O. 1254.—In pursuance of Sub Rules (2) and (4) of Rule 10 of the Official Language (use for the official purposes of Union.) Rules 1976 the Ministry of Railways (Railway Board) hereby notify the office of Indian Railways Institute of Electrical Engineering, Nasik Road, where 80 per cent of the officers/employees have acquired the working knowledge of Hindi.

[No. Hindi-2001/OL-1/12.2]

R. K. SINGH, Secy.,
Railway Board

संचार एवं सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

डाक जीवन बीमा निदेशालय

नई दिल्ली, 1 अप्रैल, 2002

का.आ. 1255.—महानिदेशक डाक, डाकघर बीमा निधि नियमावली के नियम 10 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए और 31-03-2000 की स्थिति के अनुसार डाकघर बीमा निधि की परिसंपत्तियों तथा देयताओं के बीमांकिक मूल्यांकन के आधार पर डाक जीवन बीमा पॉलिसियों के मृत्यु अथवा परिपक्वता के कारण दावे बनने पर 31-03-2000 को समाप्त हुए वर्ष के लिए निम्नलिखित दरों पर साधारण प्रत्यावर्ती बोनस की घोषणा करते हैं:—

बीमा पॉलिसी का प्रकार	बोनस की दर
1	2
(क) आजीवन बीमा	
(1) चालू पॉलिसी	बीमित राशि के प्रति हजार के लिए 95/-रु.

1

2

(2) वर्ष के दौरान दावा बीमित राशि के प्रति हजार के लिए 95/-रु. तथा 1000/-रु. तक की सीमा तक बीमित राशि के प्रति 10,000/-रुपये पर 25/-रुपये की दर से टर्मिनल बोनस ।

(ख) बंदोबस्ती बीमा

(1) चालू पॉलिसी बीमित राशि के प्रति हजार के लिए 77/-रु.

(ii) वर्ष के दौरान दावा

(क) पालिसी की अवधि 20 बीमित राशि के प्रति हजार के लिए 77/-रु. वर्ष से कम होने पर

(ख) पॉलिसी की अवधि 20 बीमित राशि के प्रति हजार के लिए 76/-रु. तथा 1000/-रुपये तक की सीमा तक बीमित राशि के प्रति 10,000/- रुपये पर 25/- रुपये की दर से टर्मिनल बोनस ।

(ग) प्रत्याशित बंदोबस्ती

सभी पॉलिसियों के लिए बीमित राशि के प्रति हजार के लिए 75/-रु.

(घ) परिवर्तनीय मियादी बीमा

पूर्वोक्त श्रेणियों में बीमे की संबंधित श्रेणी हेतु संबंधित अवधियों के लिए घोषित बोनस का लाभ यथावत रहेगा ।

2. 01-04-2000 से 31-12-2002 तक की अवधि के दौरान मृत्यु अथवा परिपक्वता के कारण उत्पन्न होने वाले सभी दावों के लिए उपरोक्त दरों पर अंतरिम बोनस भी देय होगा (01-04-2000 को अथवा इसके बाद जारी की गई पालिसियों के संदर्भ में बीमा के प्रथम पालिसी वर्ष सहित) ।

3. बोनस की ऐसी राशि, जिसमें 50 पैसे अथवा इससे अधिक का अंश अन्तर्गस्त है, को अगले उच्चतर रुपए में पूर्णकृत कर दिया जाएगा और 50 पैसे से कम के अंश की उपेक्षा कर दी जाएगी ।

4. इसे वित्त सलाह (डाक) की डायरी सं. 545/एफए/2002, दिनांक 26-02-2002 के जरिए प्राप्त सहमति से जारी किया जाता है ।

[सं. 4-2/2001-एलआरडी]

वी. पति, उप महाप्रबन्धक

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Posts)

DIRECTORATE OF POSTAL LIFE INSURANCE

New Delhi, the 1st April, 2002

S. O. 1255.—In exercise of powers conferred on him vide Rule 10 of Post Office Insurance Fund Rules and on the basis of actuarial valuation of the assets and liabilities of Post Office Insurance Fund/ as on 31-03-2000, the Director General Posts is pleased to declare a simple reversionary bonus for the year ending 31-03-2000 on the Postal Life Insurance Policies on their becoming claims, due to death or maturity at the following rates :—

Type of Policy	Rate of Bonus
(A) Whole Life Assurance	
(i) Continuing Policy	Rupees 95/- per thousand of sum assured.
(ii) Claim during the year	Rupees 95/- per thousand of sum assured. Plus terminal bonus of Rupees 25/- Per policy of sum assured of Rupees 10,000/- subject to Rupees 1,000/- per policy.
(B) Endowment Assurance	
(i) Continuing Policy	Rupees 77/- per thousand of sum assured.
(ii) Claim during the year	
(a) Policy term less than 20 years	Rupees 77/- per thousand of sum assured.
(b) Policy term more than 20 years & equal to 20 years	Rupees 76/- per thousand of sum assured plus terminal bonus of Rupees 25/- per policy of sum assured Rupees 10,000/- subject to Rupees 1,000/- per policy.
(C) Anticipated Endowment	Rupees 75/- per thousand of sum assured for all policies.
(D) Convertible Term Assurance	To attract bonus declared for the respective periods for the respective class of insurance in the foregoing.

2. Interim Bonus at the rates mentioned above will also be payable for all claims arising due to death or maturity during the period from 01-04-2000 to 31-12-2002 (including first policy year of assurance in respect of policies issued on or after 01-04-2000).

3. The amount of Bonus involving a fraction of 50 paise or more shall be rounded off to the next higher rupees and fraction below 50 paise shall be ignored.

4. This issues with the concurrence of Finance Advice (Postal) vide Diary No. 545/FA/2002 dated 26-02-2002.

[No. 4-2/2001-LI]

V. PATI, Dy. General Manager

पर्यटन और संस्कृति मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 27 मार्च, 2002

का.आ. 1256.— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम-4 के अनुसरण में पर्यटन एवं संस्कृति मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालय जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

कार्यालय मुख्य उद्यानविद्,
भारतीय पुरातत्व सर्वेक्षण,
ताजमहल, आगरा (उत्तर प्रदेश)

[सं. 1-2/2000-हिन्दी]

वाई.एस. रावत, उप निदेशक (राजभाषा)

MINISTRY OF TOURISM AND CULTURE

(Department of Culture)

New Delhi, the 27th March, 2002

S.O. 1256.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following office under the Ministry of Tourism and Culture, Department of Culture, more than 80 per cent staff of which have acquired a working knowledge of Hindi.

Office of the Horticulturist;
Archaeological Survey of India,

Taj Mahal, Agra (U.P.)

[No. F/1-2/2000-Hindi]

Y. S. RAWAT, Dy. Director (OL)

विद्युत मंत्रालय

नई दिल्ली, 27 मार्च, 2002

का.आ. 1257.—सार्वजनिक स्थान (अप्राधिकृत अभिभोगियों की बेदखली), अधिनियम, 1971 (1971 का 40) की धारा-3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नीचे दी गयी तालिका के कॉलम (1) में उल्लिखित एक सांविधिक प्राधिकरण नेशनल थर्मल पावर कारपोरेशन लिमिटेड के अधिकारी जो कि भारत सरकार के राजपत्रित अधिकारी के समकक्ष हैं, को कथित अधिनियमों के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और वह उल्लिखित तालिका के कॉलम-2 से संबंधित प्रविष्टि में निर्दिष्ट सार्वजनिक स्थानों के बारे में अपने-अपने संबंधित कार्यक्षेत्रों की स्थानीय सीमाओं के भीतर कथित अधिनियम के अंतर्गत अथवा उसके अंतर्गत सम्पदा अधिकारी को प्रदत्त शक्तियों का उपयोग कर सकेगा और सम्पदा अधिकारी को सौंपे गए कर्तव्यों का पालन करेगा :—

तालिका

क्र.सं. अधिकारियों के नाम व पद	सार्वजनिक स्थलों की श्रेणियों तथा क्षेत्राधिकार की सीमा
1. श्री अवधेश प्रसाद, उप महाप्रबंधक, विन्ध्याचल सुपर थर्मल पावर प्रोजेक्ट, नेशनल थर्मल पावर कारपोरेशन लि.	नेशनल थर्मल पावर कारपोरेशन लि. संबंधित इसके स्वामित्व या इसके द्वारा पट्टे पर ली गई और पो.आँ. विन्ध्य नगर जिला सीधी, म.प्र. स्थित इसके विन्ध्याचल सुपर थर्मल पावर स्टेशन के प्रशासनिक नियंत्रण के सभी परिसर ।
2. श्री यू.पी. गुप्ता, वरिष्ठ प्रबंधक (विधि), राष्ट्रीय राजधानी क्षेत्र मुख्यालय, नौएडा, नेशनल थर्मल पावर कारपोरेशन लि.	नेशनल थर्मल पावर कारपोरेशन लि. संबंधित और प्लॉट सं. ए-8, ए-8ए और ए-9 स्थित इसके आर एंड डी पादेसर में इंजीनियरिंग कार्यालय के प्रशासनिक नियंत्रण वाले सभी परिसर । नेशनल थर्मल पावर कारपोरेशन लि. की पावर मैनेजमेंट इंस्टीट्यूट प्लॉट सं. 5-14, सैक्टर 16ए, नौएडा, जिला गौतमबुद्ध नगर, उत्तर प्रदेश से संबंधित सभी परिसर । नेशनल थर्मल पावर कारपोरेशन लि. संबंधित प्लॉट सं. ए-44, ए-71 और सी-55 सैक्टर-33, नौएडा जिला गौतमबुद्ध नगर, उत्तर प्रदेश में नेशनल थर्मल पावर कारपोरेशन टाउनशिप ।
3. श्री ए.के. शर्मा, विधि अधिकारी नेशनल कैपिटल पावर स्टेशन, दादरी नेशनल थर्मल पावर कारपोरेशन लि.	विद्युत नगर, परगना एवं तहसील दादरी/हापुड़ जिला गाजियाबाद उत्तर प्रदेश स्थित नेशनल थर्मल पावर कारपोरेशन लि. की नेशनल कैपिटल पावर प्रोजेक्ट के स्वामित्व वाले या पेटेंट पर ली गयी सभी भूमि, क्वार्टर, परिसम्पत्तियाँ और अन्य आवास ।
4. श्री एम.के. शुक्ला, प्रबंधक (विधि), कार्पोरेट सेंटर नेशनल थर्मल पावर कारपोरेशन लि.	नेशनल थर्मल पावर कारपोरेशन लि. द्वारा नेशनल थर्मल पावर कारपोरेशन भवन, स्कोप कॉम्प्लेक्स-7, इस्टीट्यूशनल एरिया, लोदी रोड़ नयी दिल्ली स्थित अपने कार्पोरेट सेंटर के प्रशासनिक नियंत्रण में पट्टे पर ली गई या सभी संबंधित परिसर ।
5. श्री डी.के. सिंह, विधि अधिकारी, फरीदाबाद गैस पावर प्रोजेक्ट, नेशनल थर्मल पावर कारपोरेशन लि.	नेशनल थर्मल पावर कारपोरेशन लि. से संबंधित और इसके नेशनल थर्मल पावर कारपोरेशन लि., फरीदाबाद परियोजना के प्रशासनिक नियंत्रण के सभी परिसर ।
6. श्री दिग्विजय प्रसाद सिंह, प्रबंधक (मानव संसाधन), कोलडैम हाइड्रो पावर प्रोजेक्ट नेशनल थर्मल पावर कारपोरेशन लि.	नेशनल थर्मल पावर कारपोरेशन लि. से संबंधित इसके स्वामित्व या इसके द्वारा पट्टे पर लिए गए और इसके कोलडैम हाइड्रो पावर प्रोजेक्ट, बरमाना, जिला बिलासपुर, हिमाचल प्रदेश के स्वामित्व वाले सभी परिसर ।

[फा.सं. 8/6/1992-थर्मल-1]

डा. के.वी. जैकब, उप सचिव

MINISTRY OF POWER

New Delhi, the 27th March, 2002

S.O. 1257.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in Column (1) of the Table below being Officers of the National Thermal Power Corporation Limited, a Statutory Corporation and equivalent to the rank of Gazetted Officer of the Government of India, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act, within the local limits of their respective jurisdiction in respect of the categories of public premises specified in the corresponding entry in column (2) of the said Table :

TABLE

S.No.	Name and designation of the officer	Categories of public premises and local limits of jurisdiction
	(1)	(2)
1.	Shri Awadhesh Prasad, Deputy General Manager, Vindhyachal Super Thermal Power Project, National Thermal Power Corporation Limited.	All premises owned or belonging to or taken on lease by National Thermal Power Corporation Limited and under the administrative control of its Vindhyachal Super Thermal Power Station at Post Office Vindhyachal, District Sidhi, Madhya Pradesh.
2.	Shri U. P. Gupta, Senior Manager (Law), National Capital Region Headquarters, Noida, National Thermal Power Corporation Limited.	All premises belonging to National Thermal Power Corporation Limited and under the administrative control of its office at plot number A-8, A-8A and A-9 namely Engineering Office at R and D Complex. All premises belonging to National Thermal Power Corporation Limited at Power Management Institute at Plot Number 5-14 at Sector 16-A, Noida, District Gautam Budh Nagar, Uttar Pradesh. All premises belonging to National Thermal Power Corporation Limited at National Thermal Power Corporation Township at Plot Number A-44, A-71 and C-55 at Sector 33, Noida, District Gautam Budh Nagar, Uttar Pradesh.
3.	Shri A. K. Sharma, Law Officer, National Capital Power Station, Dadri, National Thermal Power Corporation Limited.	All lands, quarters, estate properties and other accommodation owned or taken on lease by National Capital Power Project of National Thermal Power Corporation Limited located at Vidhut Nagar, Paragana and Tehsil, Dadri/Hapur, District Ghaziabad, Uttar Pradesh.
4.	Shri M. K. Shukla, Manager (Law), Corporate Centre, National Thermal Power Corporation Limited.	All premises belonging to or taken on lease by National Thermal Power Corporation Limited under the administrative control of its Corporate Centre at National Thermal Power Corporation Bhawan, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi.
5.	Shri D. K. Singh, Law Officer, Faridabad Gas Power Project, National Thermal Power Corporation Limited.	All premises belonging to National Thermal Power Corporation Limited and under the administrative control of its National Thermal Power Corporation, Faridabad Project.
6.	Shri Digvijay Prasad Singh, Manager (Human Resources), Koldam Hydro Power Project, National Thermal Power Corporation Limited.	All premises owned or belonging to or taken on lease by National Thermal Power Corporation Limited and under the administrative control of its Koldam Hydro Power Project, Barmana, District Bilaspur, Himachal Pradesh.

[F. No. 8/6/1992—Th. I]

Dr. K. V. JACOB, Dy. Secy.

नई दिल्ली, 27 मार्च, 2002

का.आ. 1258.—सार्वजनिक स्थान (अप्रधिकृत अभिभोगियों की बेइखली), अधिनियम, 1971 (1971 का 40) की धारा-3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नीचे दी गयी तालिका के कॉलम (1) में उल्लिखित एकाधिकार अधिकार नेशनल थर्मल पावर कारपोरेशन लिमिटेड के अधिकारी जो कि भारत सरकार के राजस्व अधिकारी के समकक्ष हों को कथित अधिनियमों के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और वह उल्लिखित तालिका के कॉलम 2 में संबंधित प्रविष्टि में लिस्टेड सार्वजनिक स्थानों के बारे में अपने-अपने संबंधित कार्य क्षेत्रों का स्थानीय सीमाओं के भीतर कथित अधिनियम के अंतर्गत अथवा उसके अंतर्गत सम्पदा अधिकारी को प्रदत्त शक्तियों का उपयोग कर सकेंगी और सम्पदा अधिकारी को सौंपे गए कर्तव्यों का पालन करेगा :—

तालिका

क्र.सं. अधिकारियों के नाम व पद

सार्वजनिक स्थानों की श्रेणियों तथा क्षेत्राधिकार की सीमा

1. श्री ए.के. भारद्वाज,
उप प्रबंधक (एचआर-ईएस)
अंता गैस पावर प्रोजेक्ट, नेशनल थर्मल पावर
कारपोरेशन लि.

पो.आँ. अंता, पीएस-अंता, जिला बारां, राजस्थान स्थित, नेशनल थर्मल
पावर कारपोरेशन लि. की अंता गैस विद्युत परियोजना के स्वामित्व
वाले, पट्टे और किराये पर ली गयी सभी भूमि, क्वार्टर्स, परिसंपत्तियां
और अन्य आवास ।

2. श्री एम.के. कौल,
प्रबंधक (टीए)
नेशनल कैपिटल पावर स्टेशन, दादरी,
नेशनल थर्मल पावर कारपोरेशन लि.

मेट्रो सैटेलाइट अर्थ स्टेशन, मुरादनगर, जिला गाजियाबाद, उत्तर प्रदेश
समेत विद्युत नगर परगना और तहसील दादरी, जिला गौतमबुद्ध नगर
उत्तर प्रदेश स्थित नेशनल कैपिटल पावर स्टेशन, तहसील दादरी
जिला गौतमबुद्ध नगर, उत्तर प्रदेश के स्वामित्व, क्वार्टर्स, परिसंपत्तियां
रेलवे साइडिंग और अन्य आवास ।

[फा.सं. 8/6/1992-थर्मल-1]

डा. के.वी. जैकब, उप सचिव

New Delhi, the 27th March, 2002

S.O.1258.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in column (1) of the Table below being Officers of the National Thermal Power Corporation Limited, a Statutory Corporation and equivalent to the rank of Gazetted Officer of the Government of India, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act, within the local limits of their respective jurisdictions in respect of the categories of public premises specified in the corresponding entry in column (2) of the said Table :

TABLE

S. No.	Name and designation of the officer	Categories of public premises and local limits of jurisdiction
	(1)	(2)
1.	Shri A. K. Bhardwaj, Deputy Manager (HR-ES), Anta Gas Power Project, National Thermal Power Corporation Limited.	All land, quarters, estate properties and other accommodation owned, leased and rented by Anta Gas Power Project of National Thermal Power Corporation Limited, located as Post Office Anta, P.S. Anta, District Baran, Rajasthan.
2.	Shri M. K. Kaul, Manager (TA), National Capital Power Station, Dadri, National Thermal Power Corporation Limited.	All land, quarters, estate property, railway siding and other accommodation owned, leased and rented by National Capital Power Station, Tehsil Dadri, District Gautam Budh Nagar, Uttar Pradesh at Vidhyut Nagar Paragana and Tehsil Dadri, District Gautam Budh Nagar, Uttar Pradesh, including Central Satellite Earth Station, Muradnagar, District Ghaziabad, Uttar Pradesh.

[F. No. 8/6/1992-Th. I

Dr. K. V. JACOB, Dy. Secy

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 5 अप्रैल, 2002

का. आ. 1259.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1242(अ) तारीख 20 दिसम्बर, 2001 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा गुजरात राज्य में जीसीएस क्लोल से आईसी पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 07 जनवरी, 2002 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर विचार कर लिया है और उन्हें अननुज्ञात कर दिया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लगमों से मुक्त, पाइपलाइन बिछाने का प्रस्ताव करने वाली गैस अथॉरिटी ऑफ इंडिया लिमिटेड में, निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, गैस अथॉरिटी ऑफ इंडिया में निहित होगा।

अनुसूची

जिला: गाँधी नगर

तहसील: गाँधी नगर

गाँव	सर्वे न०	आर०ओ०यू० के लिए अर्जित क्षेत्रफल (हैक्टेयर में)	गाँव	सर्वे न०	आर०ओ०यू० के लिए अर्जित क्षेत्रफल (हैक्टेयर में)
पोर	141 अ	0-00-13	शेरथा	1791	0-03-20
	141 ब			1773	0-11-60
	140	0-13-82		1784	0-06-40
	138	0-02-43		1783	0-08-20
कुल		0-16-30		1782	0-06-40
				1779	0-05-50
तारापुर	कटे ट्रैक	0-01-91		1778	0-03-63
	208	0-33-20		1698 अ	0-05-00
	206	0-17-50		1699	0-14-30
	203	0-26-70		डप्लूजीएमरोड	0-10-75
	146	0-13-70		1425	0-09-80
	147	0-14-00		1424	0-02-60
	142	0-22-05		1423	0-04-00
	कटे ट्रैक	0-01-32		1422	0-05-40
	116	0-98-96		1421	0-08-85
	117	0-12-40		1396	0-10-00
	118	0-13-60		1397	0-00-14
	119	0-27-10		1398	0-04-80
	123	0-14-80		1399	0-04-40
	122	0-16-90		1400	0-04-25
	124	0-19-96		1401	0-01-26
	कटे ट्रैक	0-02-52		1402	0-05-95
	85	0-08-20		1389	0-02-55
	84	0-12-30		1388	0-17-40
	सड़क	0-17-60		1386	0-15-15
	80	0-10-10		1387	0-00-40
	82	0-01-44		1221	0-75-40
	81	0-19-40		1219 अ	0-06-40
	75	0-17-50		रोड	0-11-80
	76	0-10-60		1219 अ	0-01-60
कुल		03 43-76		1212	0-10-96
				1187	0-21-46
शेरथा	1802	0-07-20		1186	0-01-91
	1830	0-04-06		1188	0-16-30
	1799	0-17-60		कटे ट्रैक	0-01-00
	1798	0-08-46		कटे ट्रैक	0-01-00
	1797	0-01-55		1163	0-13-30
	1796	0-06-49		1164	0-19-00
	1795	0-04-08		1165	0-00-34
	1794	0-05-80		1158	0-12-85
	1793	0-04-50		1156	0-00-35
				1155	0-04-92
				1154	0-06-60

जिला: गाँधी नगर

तहसील: गाँधी नगर

गाँव	सर्वे न०	आर०ओ०यू० के लिए अर्जित क्षेत्रफल (हेक्टेयर में)	गाँव	सर्वे न०	आर०ओ०यू० के लिए अर्जित क्षेत्रफल (हेक्टेयर में)
शेरथा	कर्ट ट्रैक 1048 1050 1051 कर्ट ट्रैक 1053 कर्ट ट्रैक 1021 1020 1003 1002 998 996 994 992	0-01-00 0-07-90 0-11-25 0-03-96 0-01-20 0-08-43 0-01-75 0-06-93 0-13-10 0-12-20 0-12-30 0-12-90 0-09-30 0-16-17 0-01-19	शेरथा	960 966 963 962 950 958 952 948 946 944 929 930 932 कर्ट ट्रैक	0-07-00 0-14-40 0-12-60 0-08-00 0-06-00 0-10-38 0-16-00 0-17-10 0-11-80 0-08-80 0-12-60 0-11-20 0-22-60 0-01-00
				कुल	07-09 84

[फा. सं. एल-14014, 22 01-जी.पी.]

स्वामी सिंह, निदेशक

Ministry of Petroleum and Natural Gas

New Delhi, the 5th April, 2002

S.O. S. O. 1259.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1242(E), dated the 20th December 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through GGS Kalol to AEC Pipeline Project in the State of Gujarat by the Gas Authority of India Limited;

And whereas copies of the said Gazette notification were made available to the public on the 07th January, 2002;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of section 4 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and being satisfied that the said land is required for laying the pipeline, has decided acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the Gas Authority of India Limited, proposing to lay the pipeline and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the Gas Authority of India, free from all encumbrances.

SCHEDULE

1 DISTRICT: GANDHINAGAR

TEHSIL: GANDHINAGAR

Village	Survey No.	Land to be acquired for ROU (in hectare)	Village	Survey no.	Land to be acquired for ROU (in hectare)
Por	141 A	0-00-13	Tarapur*	Cart-Track	0-02-52
	141 B			85	0-08-20
	140	0-13-82		84	0-12-30
	138	0-02-43		Road	0-17-60
				80	0-10-10
	Total	0-16-30		82	0-01-44
Tarapur	Cart-Track	0-01-91		81	0-19-40
	208	0-33-20		75	0-17-50
	206	0-17-50		76	0-10-60
	203	0-26-70		Total	03-43-76
	146	0-13-70	Sertha		
	147	0-14-00		1802	0-07-20
	142	0-22-05		1800	0-04-06
	Cart-Track	0-01-32		1799	0-17-60
	116	0-98-96		1798	0-08-46
	117	0-12-40		1797	0-01-55
	118	0-13-60		1795	0-06-49
	119	0-27-10		1794	0-04-60
	123	0-14-80		1793	0-08-80
	122	0-16-90		1792	0-04-80
		0-19-96			

Sertha	1791	0-03-20	Sertha	1388	0-17-40
	1773	0-11-60		1386	0-15-15
	1784	0-06-40		1387	0-00-40
	1783	0-08-20		1221	0-75-40
	1782	0-06-40		1219 B	0-06-40
	1779	0-05-50		Road	0-11-80
	1778	0-03-63		1219 A	0-01-60
	1698/A	0-05-00		1212	0-10-96
	1699	0-14-30		1187	0-21-46
	WBM Road	0-10-75		1186	0-01-91
	1425	0-09-80		1188	0-16-30
	1424	0-02-60		Cart-Track	0-01-00
	1423	0-04-00		Cart-Track	0-01-00
	1422	0-05-40		1163	0-13-30
	1421	0-08-85		1164	0-10-00
	1396	0-10-00		1165	0-00-34
	1397	0-00-14		1158	0-12-85
	1398	0-04-80		1156	0-00-35
	1399	0-04-40		1155	0-04-02
	1400	0-04-25		1154	0-06-60
	1401	0-01-26			
	1402	0-05-95			
	1389	0-02-55			

DISTRICT: GANDHINAGAR**TEHSIL: GANDHINAGAR**

Village	Survey No.	Land to be acquired for ROU (in hectare)	Village	Survey no.	Land to be acquired for ROU (in hectare)
Sertha	Cart-Track	0-01-00	Sertha	960	0-07-00
	1048	0-07-90		966	0-14-40
	1050	0-11-25		963	0-12-60
	1051	0-03-96		962	0-08-00
	Cart-Track	0-01-20		950	0-06-00
	1053	0-08-43		958	0-10-38
	Cart-Track	0-01-75		952	0-16-00
	1021	0-06-93		948	0-17-10
	1020	0-13-10		946	0-11-80
	1003	0-12-20		944	0-08-80
	1002	0-12-30		929	0-12-60
	998	0-12-90		930	0-11-20
	996	0-09-30		932	0-22-60
	994	0-16-17		Cart-Track	0-01-00
	992	0-01-19			
				Total	07-09-84

नई दिल्ली, 5 अप्रैल, 2002

का. आ. 1260.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1243(अ) तारीख 20 दिसम्बर, 2001 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा गुजरात राज्य में जीसीएस क्लोल से आईसी पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 07 जनवरी, 2002 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर विचार कर लिया है और उन्हें अननुज्ञात कर दिया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लगमों से मुक्त, पाइपलाइन बिछाने का प्रस्ताव करने वाली गैस अथॉरिटी ऑफ इंडिया लिमिटेड में, निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, गैस अथॉरिटी ऑफ इण्डिया में निहित होगा।

अनुसूची**जिला: महसाणा****तहसील: कलोल**

गाँव	सर्वे नं०	आर०ओ०यू० के लिए अर्जित क्षेत्रफल (हेक्टेयर में)	गाँव	सर्वे नं०	आर०ओ०यू० के लिए अर्जित क्षेत्रफल (हेक्टेयर में)
सइज	1007	0-19-63	धानोज	203	0-10-52
	1008/2	0-11-20		रेलवे	0-04-70
	963	0-15-46		111	0-31-06
	रोड़	0-01-20		113	0-03-62
	959	0-13-10		114	0-12-80
	कुल	00-60-59		108	0-28-94
धानोज	14	0-77-08		कर्ट ट्रैक	0-02-00
	15	0-09-74		103	0-29-50
	225	0-08-27		97	0-00-25
	226	0-05-57		98	0-21-79
	230/1-2	0-07-06		96	0-11-40
	231	0-10-90		91	0-06-75
	224	0-25-48		95	0-07-60
	222	0-10-95		94	0-08-20
	221	0-11-96		93	0-08-20
	220	0-05-65		कुल	04-64-16
	219/2	0-14-41			
	219/3	0-00-06			
	215	0-15-81			
	216	0-42-50			
	कर्ट ट्रैक	0-01-36			
	207	0-13-84			
	208	0-07-86			
	209	0-08-83			

[फा. सं. एल-14014/22/01-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 5th April, 2002

S.O. S. O. 1260.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1243(E), dated the 20th December 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through GGS Kalol to AEC Pipeline Project in the State of Gujarat by the Gas Authority of India Limited;

And whereas copies of the said Gazette notification were made available to the public on the 07th January, 2002;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the Gas Authority of India Limited, proposing to lay the pipeline and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the Gas Authority of India, free from all encumbrances.

SCHEDULE

DISTRICT: MEHSANA

TEHSIL: KALOL

Village	Survey No.	Land to be acquired for ROU (in hectare)	Village	Survey No.	Land to be acquired for ROU (in hectare)
Saij	1007	0-19-63	Dhanoj	203	0-10-52
	1008.2	0-11-20		Railway	0-04-70
	963	0-15-46		111	0-31-06
	Road	0-01-20		113	0-03-62
	959	0-13-10		114	0-12-80
Total				108	0-28-94
		00-60-59		Cart-Track	0-02-00
Dhanoj	14	0-77-08		103	0-29-50
	15	0-09-74		97	0-00-25
	225	0-08-27		98	0-21-79
	226	0-05-57		96	0-11-40
	230 1-2	0-07-06		91	0-06-75
	231	0-10-90		95	0-07-60
	224	0-25-48		94	0-08-20
	222	0-10-95		93	0-08-20
	221	0-11-96		Total	04-64-16
	220	0-05-65			
	219.2	0-14-41			
	219.3	0-00-06			
	215	0-15-81			
	216	0-42-50			
	Cart-Track	0-01-36			
	207	0-13-84			
	208	0-07-86			
	209	0-08-83			

नई दिल्ली, 10 अप्रैल, 2002

का.आ. 1261.— केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और न्विज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि से हितबद्ध है उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री जे. के. आहूजा, सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कोठी नं. 1439, सेक्टर-15, अरबन इस्टेट, सोनीपत-131001 (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

तहसील: बहादुरगढ़			जिला: झज्जर	राज्य: हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुस्ततील संख्या	खसरा/किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
1	2	3	4	5	6	7
छारा	17	-	47	0	03	79
			2136	0	00	76

[फा. सं. आर-25011/25/2001-ओ आर-1]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 10th April, 2002

S. O. 1261.—Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited ;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri J.K. Ahuja, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Ltd., Kothi No. 1439 , Sector-15, Urban Estate , Sonapat (Haryana) – 131001.

Tehsil: Bahadurgarh		Dist: Jhajjar		State: Haryana		
Name of Village	Hadbast No.	Mustatil No.	Khasra/ Killa No.	Area		
1	2	3	4	Hectare.	Are.	Sq.Mtr.
Chhara	17	-	47	0	03	79
			2136	0	00	76

[F No R-25011/25/2001-OR-1]
S S KEMWAL. Under Secy

नई दिल्ली, 10 अप्रैल, 2002

का.आ. 1262.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय के भारत के राजपत्र, भाग 2 खण्ड-3, उपखण्ड (ii) पृष्ठ 4209-4218 तारीख 18 अगस्त, 2001 में प्रकाशित अधिसूचना का.आ. 2069, तारीख 9, अगस्त 2001 से निम्नलिखित संशोधन करने का निर्देश देती है।

1. उक्त अधिसूचना में गाँव छारा से संबंधित पृष्ठ 4211 खसरा / किला संख्या 2224 के क्षेत्रफल “ 0-00-00” के स्थान पर “0-00-51” रखें।
2. गाँव अगरपुर से संबंधित पृष्ठ 4212 खसरा / किला संख्या 21 के

4/1

क्षेत्रफल “ 0-00-25” के स्थान पर “0-05-82” रखें।

[फा. सं. आर-25011/25/2001-ओ आर-1]

एम. एस. केमवाल, अवर सचिव

New Delhi, the 10th April, 2002

S.O. 1262.—In exercise of the powers conferred by the Sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby directs the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas vide S.O. 2069 dated 9th August, 2001 namely :-

1. In the said notification at page 4216 relating to village Chhara, against *Khasra* *Killa* No. 2224 for the area “0-00-00”, the area “0-00-51” shall be substituted.
2. In the said notification at page 4217 relating to village Agarpur, against *Khasra* *Killa* No. 21 for the area “0-00-25”, the area “0-05-82” shall be

4/1

substituted.

[F.No. R-25011/25/2001-OR-1]

S. S. KEMWAL. Under Secy

नई दिल्ली, 10 अप्रैल, 2002

व का. आ. 1263.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र, तारीख 3 नवम्बर, 2001 के पृष्ठ 6215 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का.आ. 2958 तारीख 31 अक्टूबर, 2001 द्वारा संशोधित भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 23 जून, 2001 के पृष्ठ 2859 से 2870 तक प्रकाशित उक्त मंत्रालय की अधिसूचना सं० का० आ० 1408 तारीख 19 जून, 2001 में निम्नलिखित रीति से और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना की अनुसूची में रूपपुरा गाँव से संबंधित प्रविष्टि में पृष्ठ 2861 पर, -

1. सर्वेक्षण संख्यांक 585 के सामने, " 0-11-01" क्षेत्र के स्थान पर " 0-13-17" क्षेत्र रखा जाएगा।
2. सर्वेक्षण संख्यांक 24 के सामने, " 0-25-94" क्षेत्र के स्थान पर " 0-60-74" क्षेत्र रखा जाएगा।

[फा. सं. आर-25011/9/2001-ओ आर-1]

एस. एम. केमवाल, अवर सचिव

New Delhi, the 10th April, 2002

S.O. 1263.—In exercise of the powers conferred by the sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby amends the Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 1408 dated 19th June, 2001 published in the Gazette of India, Part-II, Section 3, sub-section (ii) at Pages 2859 to 2870 on 23rd June, 2001 and further amended vide S.O. No. 2958 dated 31st October, 2001 published in the Gazette of India dated 3rd November, 2001 at page 6215 in the following manner,

In the said notification, in the Schedule, in heading Village Ruppura at page 6215

1. against Survey No. 585 for the area "0-11-01" substitute " 0-13-17"
2. against Survey No. 24 for the area "0-25-94" substitute "0-60-74"

[F No R-25011/9/2001-OR-1]
S S KEMWAL, Under Secy

नई दिल्ली, 10 अप्रैल, 2002

का. आ. 1264.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की भारत के राजपत्र में 15 दिसम्बर, 2001 को प्रकाशित अधिसूचना संख्यांक का. आ. 3389 तारीख 14 दिसम्बर, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में पानेवाडी (मनमाड़) से मध्यप्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई—मनमाड़ पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइनलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 2 जनवरी, 2002 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उस रिपोर्ट पर विचार करने के पश्चात् और यह सनाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना की अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूचि

तेहसील : महेश्वर

जिला : खरगोन

राज्य : मध्यप्रदेश

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
१. भवनतलाई	3 (स. यस्ता)	0.0039
	4/1	0.7968
	4/2	
	4/3	
	4/4	
	4/5	
	4/6	
	4/7	
	6	0 2467
	14	0 0638
	8,9	0 0046
	13	0.1057
	12/2	0.0629
	22/4/1	0.0982
	22/4/2	0 0191
	22/1	0.3169
	22/3	0 0638
	33(नदी)	0.0325
२. बांकानेर	18	0 0767
	19	0.3071
	20 (स.यस्ता)	0.0181
	23(स.नाला)	0.1019
	22	0.1008
	24	0.5263
	25(स.चरागाह)	0.2502
	26(नदी)	0.0366
	33(स.चरागाह)	0.2514
	35	0.1197
	34/1से 34/17	0.6659
	99/1से 99/6	0.0361
	104(स.रास्ता)	0.0301
	106/1	0 1780
	106/2	

ग्राम व	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
बाकानेर (निरंतर...)	108(स.चरागाह)	0.1854
	107/1 से 107/10	0.3616
	116 (स.नाला)	0.0213
	119/1	0.1074
	119/2	
	119/3	
	119/4	
3. कुसुंबिया	14/1/1/1	0.4037
	14/1/1/2	
	5/1	0.1985
	5/2	
	4,4/88	0.2397
	3(स.चरागाह)	0.0696
४. काकड़दा	33/1	0.2298
	33/2	
	33/3	
	32/1	0.0076
	32/2	
	32/3	
	36/2	
	37/1	0.3364
	37/2	
	38/2	0.1236
	85 (स.नाला)	0.0221
	19/1/2	0.5669
	19/2,15/2	
	19/3,16	
	19/4	
	19/5	
	19/1/1 (स.चरागाह)	0.0166
	17	0.1704
	18/1	0.0071
	18/2	
	15	0.1711

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
काकड़दा (निरंतर..)	13 (राष्ट्रीय मार्ग, 3)	0.0458
	77/2/2	0.0515
	77/2/1	
	77/1/1	
	77/1/2	
	77/1/3	
	80,81	0 2356
	84	0 3875
	83	0.0084

[फा. सं. आर-31015/37/2001- ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 10th April, 2002

S. O. 1264.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.3389 dated the 14th December 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India on the 15th December, 2001, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of petroleum products through the Mumbai-Manmad Pipeline Extension Project from Panewadi(Manmad) in the State of Maharashtra to Manglya (Indore) in the State of Madhya Pradesh by the Bharat Petroleum Corporation Limited;

And, whereas, the copies of the said Gazette notification were made available to the public on 03.01.2002;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline and has decided to acquire the right of user in the land specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in the Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL: MAHESHWAR DISTRICT : KHARGONE STATE : MADHYA PRADESH		
NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1. BHAVANTALAI	3 (GCT)	0.0039
	4/1	0.7968
	4/2	
	4/3	
	4/4	
	4/5	
	4/6	
	4/7	
	6	0.2467
	14	0.0638
	8.9	0.0046
	13	0.1057
	12/2	0.0629
	22/4/1	0.0982
	22/4/2	0.0191
	22/1	0.3169
	22/3	0.0638
	33(RIVER)	0.0325
2. BAKANER	18	0.0767
	19	0.3071
	20(GCT)	0.0181
	23 (G DRAIN)	0.1019
	22	0.1008
	24	0.5263
	25(GL)	0.2502
	26(RIVER)	0.0366
	33(GL)	0.2514
	35	0.1197
	34/1 to 34/17	0.6659
	99/1 to 99/6	0.0661
	104(GCT)	0.0001

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BAKANER (Cont'd)	106/1	0.1780
	106/2	
	108(GL)	0.1854
	107/1 TO 107/10	0.3616
	116 (G.DRAIN)	0.0213
	119/1	0.1074
	119/2	
	119/3	
	119/4	
3. KUSUMBIYA	14/1/1/1	0.4037
	14/1/1/2	
	5/1	0.1985
	5/2	
	4,4/88	0.2397
4. KAKARDA	3(GL)	0.0696
	33/1	0.2298
	33/2	
	33/3	
	32/1	0.0076
	32/2	
	32/3	
	36/2	0.3364
	37/1	
	37/2	
	38/2	0.1236
	85(G.DRAIN)	0.0221
	19/1/2	0.5669
	19/2,15/2	
	19/3,16	
	19/4	
	19/5	
	19/1/1(GL)	0.0166
	17	0.1704
	18/1	0.0071
	18/2	
	15	0.1711
	13(NH 3)	0.0458

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
KAKARDA (Cont'd)	77/2/2	0.0515
	77/2/1	
	77/1/1	
	77/1/2	
	77/1/3	
	80,81	0.2356
	84	0.3875
	83	0.0084

[F No R-31015/37/2001-OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 10 अप्रैल, 2002

का. आ. 1265.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की भारत के राजपत्र तारीख 8 दिसम्बर, 2001 को प्रकाशित अधिसूचना संख्यांक का. आ. 3310, तारीख 06 दिसम्बर, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मुम्बई-मनमाड पाइपलाइन (इन्दौर) के माध्यम से पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 30 दिसम्बर 2001 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उस रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि पाइपलाइन बिछाने के लिए अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूचि

तेहसील : राजपुर

जिला : बडवानी

राज्य : मध्यप्रदेश

ग्राम का नाम	खेत नम्बर	क्षेत्रफल हैक्टेयर
! खजूरी	424/1, 424/2 (स. चरागाह)	0.2270
	422 (स.यस्ता)	0.0108
	427	0.4680
	396/1	0.2952
	396/2	
	396/3	
	428/1	0.0209
	395	0.1600
	399	0.2508
	429 (स.यस्ता)	0.0216
	390/1	0.2380
	391	0.2808
	389(स.नाला)	0.0508
	387/1(स. चरागाह)	0.0288
	75/8	0.1236
	75/10	0.0104
	75/11	0.2819
	75/12	0.0005
	75/3	0.1235
	75/2, 74/8	0.0033
रेलवाखुर्द	76 (स. चरागाह)	0.1720
	77/2	0.0839
	77/1	0.1584
	42/12	0.0349
	42/1	0.3242
	78 (स.नाला)	0.0171
	80/4	0.0636
	80/3	0.1631

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
रेलवायुर्ड (निरंतर...)	80/2		0.1451
	80/1		0.1904
	82		0.2213
	27/1/1 (स. चरागाह)		0.0104
	27/1//1/2(स. चरागाह)		0.1250
	27/1/1/1		0.3574
	75/8		0.0220
	72 (स.नाला)		0.0248
	70/1		0.4444
	69/2		0.0619
	63/6		0.2072
	63/4		0.1856
	62/1		0.3783
	62/2		0.0280
	61/1/2, 61/2(स. चरागाह)		0.1890
	1 (नदी)		0.1800
	3		0.0659
	4(स.नाला)		0.0348
3. जेठान	5		0.2300
	54/1	}	0.5904
	54/2		
	54/3		
	55/1		0 0540
	56/1		0.1768
	56/2		0 0658
	57		0.6840
	94/1 (स.नाला)		0.0329
	100		0.0527
	101		0.0623
	99/2		0.3728
	99/3		0.1266
4. लिंगवा			

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
लिंगवा (निरंतर...)	99/1		0.1764
	96		0.3630
	93 (डब्ल्यू बी एम सड़क)		0.0324
	122/1		0.2000
	122/2		0.0300
	123/2		0.0500
	121(स. चरागाह)		0.8280
	6 (नदी)		0.0506
5. बकवाड़ी	1		0.2203
6. बासवी	65		0.2232
	66/2		0.2808
	71(बरड़ी) पहाड़		0.1971
	73		0.1971
	72		0.2336
	84/1	}	0.7738
	84/2		
	83		0.0985
	90(स. नाला)		0.0146
	89/1, 88/1, 89/8		0.5256
	96/1		0.4562
	99(पहाड़)		0.2263
	100		0.2180
	101		0.0116
	150(स. रास्ता)		0.0146
	159		0.2774
	157		0.0620
	156 (सड़क)		0.0146
	155		0.2555
	153/1	}	0.5183
	153/2		
	153/3		
	205(स. नाला)		0.0584
	219/1	}	0.2190
	219/2		
	219/3		
	217		0.2414

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
7. निहाली	बासवी (निरंतर....)	218/1	0.4453
		218/2	
		218/3	
		245/1	0.4672
		245/2	
		245/3	
	247/1, 247/2		0.2518
	249		0.5255
	40/1 (पहाड़)		0.1383
	39 (स. चरागाह)		0.0720
	38		0.4104
	35/1		0.7704
	35/2		
	33 (स.नाला)		0.0190
	16/1/2		0.0947
	16/1/1		0.2310
	15/2/5		0.5288
8. जुलवानिया	15/1		
	14 (डब्ल्यू.बी.एम.सड़क)		0.0224
	19/4		0.1100
	12		0.3981
	13 (बरड़ी) पहाड़		0.0030
	9/8		0.1676
	9/7		0.1355
	9/1		0.4169
	10		0.5040
	7/1 (पहाड़ी)		0.0291
	6		0.5256
	84		0.1480
	71 (डब्ल्यू.बी.एम.सड़क)		0.0395
	90/1, 90/3		0.4680
	90/2, 90/4		
	98 (स.नाला)		0.0176
	101		0.1008
	116 (स.नाला)		0.0191

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
जुलवानिया (निरंतर ...)	117		0.0983
	114		0.4752
	119/1		0.1296
	118 (स.नाला)		0.0270
	135,136/3,136/4		0.6336
	128		0.0140
	130		0.8856
	220(स. चरागाह)		0 0305
	219		0.0103
	218/1		0.2626
	19		0.0415
	18/3	}	0.2664
	18/4		
	17 (स.नाला)		0.0196
	16/1	}	0.2948
	16/2		
	16/3		
	16/4		
	22 (स.नाला)		0.0246
	36		0 2484
	35/2 क	}	0.6026
	35/2 ख		
	35/2 ग		
	39/1		0 1161
	34		0 1270
	27/1/2 (सड़क)		0 0148
	29		0 5128
	72(स.नाला)		0 0331
	84		0.0235

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
9. देवला	197		0.0225
	198/1		0.3534
	201		0.1008
	204/2		0.0920
	210/4		0.2409
	210/6		0.1258
	194		0.2088
	210/7		0.0245
	210/1		0.0677
	190/1	}	0.0288
	190/2		
	193		0.0860
	189		0.1368
	188		0.1105
	187		0.0912
	185		0.1104
	183		0.1460
	184/3		0.0525
	177 (स.नाला)		0.0236
	184/2		0.0068
	178		0.3312
	180		0.0001
	179/1/1(स. चरागाह)		0.1872
	64/1		0.4103
	61/2		0.0278
	64/2		0.5714
	63 (स. चरागाह)		0.0385
	60		0.2289
	58/1	}	0.4248
	58/2		
	59(स.नाला)		0.0962
	57(स.नाला)		0.0506

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
देवला (निरंतर....)	53 (स. चरागाह)		0.0097
	52		0.1440
	40/2		0.1951
10. सांगवी	1/4		0.1003
	1/1/1(स. चरागाह)		0.0332
	1/1/2(स. चरागाह)		0.0684
11. पनावा	1		0.0677
	180/3		0.1720
	180/4		0.1249
	180/5		0.1253
	180/6		0.1139
	554,552/2		0.1826
	555		0.1422
	552/1 (स.नाला)		0.0133
	551		0.1272
	548		0.3492
	549		0.0515
	545		0.2190
	456(स.नाला)		0.0176
	543		0.1746
	542 (सड़क)		0.0394
	541/1/1(स. चरागाह)		0.2599
	486		0.4047
	541/3/2/1		0.0494
	494		0.2412
	493/1	}	0.0506
	493/2		
	489/2	}	0.4099
	489/3		
	489/1/1/1/1		
	488		0.0270
12. बालसमुन्द	104		0.2164
	106/1/2		0.0233
	105		0.1087
	106/2		0.0116

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
बालसमुन्द (निरंतर...)	107		0 0349
	131		0 0349
	124		0 4118
	120(नहर)		0 0155
	123/3		0 0310
	128-130		0 0572
	126,127,129		0.0572
	122		0 2564
	66 (स.नाला)		0.0457
	65/2		0.1942
	64		0.0621
	65/1		0.2000
	61/1/1/1/1	}	0.7925
	61/1/1/1/2		
	61/1/1/1/3		
	61/1/1/2		
	8/1/1		0.0167
	10/2		0.2782
	11		0.0699
	12/2		0.3456
	19		0.2952
	20/8		0 1126
	21/6/1		0.0186
	21/1(सड़क)		0 0248
	23		0 3807
	22/1	}	0.9090
	22/2		
	22/3		
	22/4		
	22/5		

	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
13.	मातमुर	47(स. चरागाह)		0.7488
		49/1		0.0612
		53 (स.नाला)		0.0252
		81/2		0.0432
		82/1	}	0.3528
		82/2		
		82/3		
		80/1	}	0.3240
		80/2		
		77/1	}	0.5112
		77/2		
		70/1 क	}	0.2636
		70/1 ख		
		70/2		
		75,74/2		0.1728
		71/1/1		0.0216
14.	सालीकला	130		0.0661
		92 (स.नाला)		0.0719
		123		0.2013
		131/1	}	0.2770
		131/2		
		164/1,164/2,165/1,165/2		0.3600
		163/1/1 (स.नाला)		0.0540
		160/4	}	0.1764
		160/5		
		159		0.1241
		161		0.0504
		158/3		0.0432
		160		0.1406
		240/3	}	0.3600
		240/4		
		240/5		
		240/2		
		256/1(स.नाला)		0.0216

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
सालीकला (निरंतर...)	257		0.0432
	258-259/1-259/6		0.1224
	240/18		0.1457
	240/9-240/17		0.2016
	269		0.1230
	240/1/16-268		0.3148
	270/390		0.3135
	240/1/5(स. चरागाह)		0.3197

[फा. सं. आर-31015/24/2001-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 10th April, 2002

S. O. 1265.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.3310 dated the 6th December 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India on the 8th December, 2001, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of Petroleum products through the Mumbai-Manmad Pipeline (Indore) in the State of Madhya Pradesh by the Bharat Petroleum Corporation Limited;

And, whereas, the copies of the said Gazette notification were made available to the public on 30th day of December 2001;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, submitted report to the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in the Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

2

TEHSIL : RAJPUR DISTRICT : BADWANI STATE : MADHYA PRADESH

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE	
1. KHAJURI	424/1,424/2 (GL)	0.2270	
	422(GCT)	0.0108	
	427	0.4680	
	396/1	}	0.2952
	396/2		
	396/3		
	428/1		0.0209
	395	0.1600	
	399	0.2508	
	429(GCT)	0.0216	
	390/1	0.2380	
	391	0.2808	
	389 (G.DRAIN)	0.0508	
	387/1(GL)	0.0288	
	2. RELWAKHURD	75/8	0.1236
		75/10	0.0104
75/11		0.2819	
75/12		0.0005	
75/3		0.1235	
75/2,74/8		0.0033	
76(GL)		0.1720	
77/2		0.0839	
77/1		0.1584	
42/12		0.0349	
42/1		0.3242	
78 (G.DRAIN)		0.0171	
80/4		0.0636	
80/3		0.1631	
80/2		0.1451	
80/1		0.1904	
82		0.2213	
27/1/1 (GL)		0.0104	
27/1//1/2(GL)		0.1250	
27/1/1/1		0.3574	
75/8		0.0220	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
RELWAKHURD (Cont'd)	72 (G.DRAIN)	0.0248
	70/1	0.4444
	69/2	0.0619
	63/6	0.2072
	63/4	0.1856
	62/1	0.3783
	62/2	0.0280
	61/1/2, 61/2 (GL)	0.1890
3. JETHAN	1 (River)	0.1800
	3	0.0659
	4(G.DRAIN)	0.0348
	5	0.2300
4. LINGAWA	54/1	0.5904
	54/2	
	54/3	
	55/1	0.0540
	56/1	0.1768
	56/2	0.0658
	57	0.6840
	94/1(G.DRAIN)	0.0329
	100	0.0527
	101	0.0623
	99/2	0.3728
	99/3	0.1266
	99/1	0.1764
	96	0.3630
	93 (WBM Road)	0.0324
	122/1	0.2000
	122/2	0.0300
	123/2	0.0500
	121(GL)	0.8280
	6 (River)	0.0506
5. BAKWADI	1	0.2203
6. BASVI	65	0.2232
	66/2	0.2808
	71(PAHAD)	0.1971
	73	0.1971
	72	0.2336

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BASVI (Cont'd)	84/1	0.7738
	84/2	
	83	0.0985
	90(G.DRAIN)	0.0146
	89/1,88/1,89/8	0.5256
	96/1	0.4562
	99(PAHAD)	0.2263
	100	0.2180
	101	0.0116
	150(GCT)	0.0146
	159	0.2774
	157	0.0620
	156 (Road)	0.0146
	155	0.2555
	153/1	0.5183
	153/2	
	153/3	
	205(G.DRAIN)	0.0584
	219/1	0.2190
	219/2	
	219/3	
	217	0.2414
	218/1	0.4453
	218/2	
	218/3	
	245/1	0.4672
	245/2	
	245/3	
7. NIHALI	247/1, 247/2	0.2518
	249	0.5255
	40/1(PAHAD)	0.1383
	39(GL)	0.0720
	38	0.4104
	35/1	0.7704
	35/2	
	33 (G.DRAIN)	0.0190
	16/1/2	0.0947
	16/1/1	0.2310
	15/2/5	0.5288
	15/1	
	14(WBM Road)	0.0224

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE	
NIHALI (Cont'd)	19/4	0.1100	
	12	0.3981	
	13(PAHAD)	0.0030	
	9/8	0.1676	
	9/7	0.1355	
	9/1	0.4169	
	10	0.5040	
	7/1(HILL)	0.0291	
	6	0.5256	
	84	0.1480	
8. JULWANIYA	71 (WBM Road)	0.0395	
	90/1,90/3	}	0.4680
	90/2,90/4		
	98(G.DRAIN)	0.0176	
	101	0.1008	
	116 (G.DRAIN)	0.0191	
	117	0.0983	
	114	0.4752	
	119/1	0.1296	
	118 (G.DRAIN)	0.0270	
	135,136/3,136/4	0.6336	
	128	0.0140	
	130	0.8856	
	220(GL)	0.0305	
	219	0.0103	
	218/1	0.2626	
	19	0.0415	
	18/3	}	0.2664
	18/4		
	17 (G.DRAIN)	0.0196	
	16/1	}	0.2948
	16/2		
	16/3		
	16/4		
	22 (G.DRAIN)	0.0246	
36	0.2484		
35/2 K	}	0.6026	
35/2 KH			
35/2 G			

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE	
JULWANIYA (Cont'd)	39/1	0 1161	
	34	0 1270	
	27/1/2 (Road)	0 0148	
	29	0.5128	
	72(G.DRAIN)	0 0331	
9. DEVLA	84	0.0235	
	197	0 0225	
	198/1	0 3534	
	201	0 1008	
	204/2	0 0920	
	210/4	0 2409	
	210/6	0 1258	
	194	0 2088	
	210/7	0 0245	
	210/1	0.0677	
	190/1	}	0.0288
	190/2		
	193		0.0860
	189		0.1368
	188		0.1105
	187		0.0912
	185		0.1104
	183		0.1460
	184/3		0 0525
	177 (G.DRAIN)		0 0236
	184/2		0.0068
	178		0.3312
	180		0.0001
	179/1/1(GL)		0.1872
	64/1		0 4103
	61/2		0 0278
	64/2		0 5714
	63 (GL)		0 0385
	60		0 2289
	58/1	}	0 4248
58/2			
59(G.DRAIN)		0 0962	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
DEVLA (Cont'd)	57(G.DRAIN)	0.0506
	53 (GL)	0.0097
	52	0.1440
	40/2	0.1951
10. SANGVI	1/4	0.1003
	1/1/1(GL)	0.0332
	1/1/2(GL)	0.0684
11. PANAWA	1	0.0677
	180/3	0.1720
	180/4	0.1249
	180/5	0.1253
	180/6	0.1139
	554,552/2	0.1826
	555	0.1422
	552/1 (G.DRAIN)	0.0133
	551	0.1272
	548	0.3492
	549	0.0515
	545	0.2190
	456(G.DRAIN)	0.0176
	543	0.1746
	542 (Road)	0.0394
	541/1/1(GL)	0.2599
	486	0.4047
	541/3/2/1	0.0494
	494	0.2412
	493/1 } 493/2 }	0.0506
	489/2 } 489/3 }	0.4099
	489/1/1/1/1	
	488	0.0270
12. BALSAMUND	104	0.2164
	106/1/2	0.0233
	105	0.1087
	106/2	0.0116
	107	0.0349
	131	0.0349
	124	0.4118
	120(Canal)	0.0155
	123/3	0.0310

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BALSAMUND (Cont'd)	128-130	0.0572
	126,127,129	0.0572
	122	0.2564
	66 (G.DRAIN)	0.0457
	65/2	0.1942
	64	0.0621
	65/1	0.2000
	61/1/1/1/1	0.7925
	61/1/1/1/2	
	61/1/1/1/3	
	61/1/1/2	
	8/1/1	0.0167
	10/2	0.2782
	11	0.0699
	12/2	0.3456
	19	0.2952
	20/8	0.1126
	21/6/1	0.0186
	21/1(Road)	0.0248
	23	0.3807
	22/1	0.9090
	22/2	
	22/3	
	22/4	
	22/5	
13. MATMUR	47(GL)	0.7488
	49/1	0.0612
	53 (G.DRAIN)	0.0252
	81/2	0.0432
	82/1	0.3528
	82/2	
	82/3	
	80/1	0.3240
	80/2	
	77/1	0.5112
	77/2	
	70/1 K	0.2636
	70/1 KH	
	70/2	
	75,74/2	0.1728
	71/1/1	0.0216

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
14. SALIKALA	130	0.0661
	92 (G.DRAIN)	0.0719
	123	0.2013
	131/1	0.2770
	131/2	
	164/1, 164/2, 165/1, 165/2	0.3600
	163/1/1(G.DRAIN)	0.0540
	160/4	0.1764
	160/5	
	159	0.1241
	161	0.0504
	158/3	0.0432
	160	0.1406
	240/3	0.3600
	240/4	
	240/5	
	240/2	
	256/1(G.DRAIN)	0.0216
	257	0.0432
	258-259/1-259/6	0.1224
	240/18	0.1457
	240/9-240/17	0.2016
	269	0.1230
	240/1/16-268	0.3148
	270/390	0.3135
	240/1/5(GL)	0.3197

[F. No. R-31015/24/2001-OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 10 अप्रैल, 2002

का. आ. 1266.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन [भूमि में उपयोग के अधिकार का अर्जन] अधिनियम, 1962 [1962 का 50] की धारा 2 के खंड [क] के अनुसरण में, कर्नाटक सरकार की कर्नाटक प्रशासनिक सेवा में कनिष्ठ वेतनमान अधिकारी, श्री के. आनंद मूल्या को, कर्नाटक राज्य की राज्य क्षेत्रीय अधिकारिता के भीतर, पेट्रोनेट एम.एच.बी.लिमिटेड की मंगलौर-बंगलौर पाइपलाइन परियोजना के संबंध में सक्षम प्राधिकारी के कृत्यों के निर्वहन के लिए प्राधिकृत करती है।

यह अधिसूचना भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ.1627 तारीख 19 जुलाई, 2000 और का.आ. 559 तारीख 16 मार्च, 2001 को अधिकांश करती है।

[फा. सं. आर-31015/34/97-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 10th April, 2002

S.O. 1266.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises Shri Anand Moolya, Karnataka Administrative Service, Junior Scale Officer, Government of Karnataka to perform the functions of the competent authority in respect of Mangalore-Bangalore Pipeline Project of Petronet MHB Limited within the territorial jurisdiction of State of Karnataka. This supercedes the notifications of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1627 dated the 19th July, 2000 and S.O. 559 dated the 16th March, 2001.

[F. No. R-31015/34/97-OR-II]
HARISH KUMAR, Under Secy

नई दिल्ली, 11 अप्रैल, 2002

का. आ. 1267.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का. आ. 3311, तारीख 06 दिसम्बर, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मुम्बई-ननमाड पाइपलाइन (इन्दौर) के माध्यम से पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 30 दिसम्बर, 2001 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उस रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि पाइपलाइन बिछाने के लिए अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है—

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूचि

तेहसील : सेंधवा

जिला : बड़वानी

राज्य : मध्यप्रदेश

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
जामली	161	0.1296
	160	0.2890
	162/1(स. चरागाह)	0.0252
	162/2	
	162/3/1	
	162/3/2	
	159/1	
	159/2	0.0576
	155/1	0.2798
	155/1/1	
	155/1/2	
	155/1/3	
	155/1/4	
	155/2	
	153/1	0.7524
	153/2	
	153/3	
	153/4	
	153/5	
	150 (स.नाला)	0.0216
	133	0.4172
	136	0.0843
	137/1	0.0576
	137/2	
	135	0.1944

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टेयर
जामली (निरंतर....)	134/1	0.1296
	134/2	
	121	0.4536
	117/1	
	117/2	0.2304
	115	
	116	0.2376
	106/1	
	106/2	0.0180
	65 (स.नाला)	
	109/1/1	0.2124
	109/1/2	
	109/1/3	
	109/1/4	
	109/2	
	109/3	
	112	0.3240
	111/1	
	111/2	0.1080
	85	
	84	0.2268
	96	
	87/1	0.1116
	87/2	
	88/1	0.2592
	88/3	
	35	0.0216
	32/3	
		0.1368
		0.3672
		0.0144

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
जामली (निरंतर....)	34	0.1224
	28	0.6214
	27	0.1908
	26	0.1260
	24(स.नाला)	0.0180
	20	0.4536
	18/1,18/2,18/9	0.3842
	18/3,18/4	
	18/5	
	18/8	
	18/6,18/10	
2. मढ़गांव	18/7	0.5205
	36/1	
	36/2	
	36/3	
	36/4	
	36/5	
	36/6	
	36/7	
	36/8	
3. कलालदा	36/9	0.0466
	35(पहाड़)	
	86/346 (राष्ट्रीय मार्ग)	
	88	
	86/3	
4. वाकी	86/4	0.1257
	23	
	46	
	44/1	
	44/2	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
वाकी (निरंतर....)	26/1	0.5076
	26/2	
	26/3	
	26/4	
	26/5	
	26/6	
	26/7	
	30/2 (सड़क)	0.0159
	30/1	0.2329
	30/3	
	30/4	
	30/5	
	30/6	
	30/7	
	30/8	0.8608
	31/1	
	31/2	
	31/3	
	31/4	
	31/5	0.3060
	77/1	
	77/2	
	77/3	0.2160
	76	
	72	0.4392
	74/7	0.0504
	74/6	0.0394
	74/5	0.0394
	74/3	0.2385
	74/4	0.0386
	59 (नदी)	0.1440
	58(स. चरागाह)	0 1008

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
वाकी (निरंतर....)	56	0.2988
	18(स.नाला)	0.0890
	17/2	0.0692
	19 (सड़क) स. यस्ता	0.0216
	21/1	0.7056
	21/2/1	
	21/2/2	
	21/2/3	
	21/2/4	
	21/2/5	
	21/2/6	
	21/3/1	
	21/3/2	
	21/3/3	
	21/4	
	21/5	
	21/6	
	21/7	
5 बनिहार	44(स. चरागाह)	0.3365
	47	0.0936
	46 (स.नाला)	0.0288
	39/1/1	0.3384
	39/1/2	
	39/2	
	38 (स. यस्ता)	0.0144
	37/1	0.2592
	37/2	
	37/3	
	37/4	
	37/5	
	37/6	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
बनिहार (निरंतर....)	37/7	(निरंतर....)
	37/8	
	37/9	
	33	
	12	0.5832
	14	0.0360
	5	0.4600
	4/1	0.1296
	4/2	0.3453
	3	0.6912
नवलपुरा	132(स. चरागाह)	0.4392
	131/1	0.1656
	140,136/1	0.3528
	139 (स. रास्ता)	0.0288
	138/2 (सड़क)	0.0360
	138/1	0.0216
	183(स. रास्ता)	0.0216
	182	0.0648
	176/1(स. चरागाह)	0.0382
	181	0.0380
	175/1	0.3528
	148/3(स.रास्ता)	0.0381
	148/2	0.5472
	146 (सड़क)	0.0354
	147	0.2628
	53/1	0.4824
	53/2	
	53/3	
	53/4	
	53/5	
	53/6	0.4824
	56(स. नाला)	
		0.0360

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टेयर
नवलपुरा (निरंतर...)	57	0.2088
	58	0.0036
	61/1(स. चरागाह)	0.2741
	60 (सड़क)	0.0216
	2/1/5	0.4284
	2/1/1, 1/2/4, 1/2/2, 1/2/5	0.0037
	2/1/10, 29/2/2	0.0396
	2/1/11	0.2160
	2/1/3, 1/2/3	0.1260
	2/1/2	0.0072
	3	0.0902
	4(स. चरागाह)	0.0196
	5	0.0360
	6(स. चरागाह)	0.0471
	8, 7	0.0504
	9(स. रास्ता)	0.278
	10/1	0.1656
	13	0.0911
	14/1	}
	14/2	
7 जुलवानिया	218/1	}
	218/2	
	199/1	}
	199/2	
	200/1	}
	200/2	
	200/3	
	200/4	
	201/1	}
	201/2	
	201/3	
	201/4, 201/6	0.0396

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
जुलवानिया (निरंतर....)	192/1	0.6644
	192/2	
	192/3	
	192/4	
	202(स.नाला)	0.0318
	193	0.3384
	194 (स.नाला)	0.1080
	195/1	0.0126
	195/2	
	195/3	
	185(स.नाला)	0.0432
	159/1	0.5688
	159/2	
	144/1	0.4356
	144/2	
	143/1/1/1	0.3780
	143/1/1/2	
	143/1/1	
	143/1/2	
8 अंजलगाँव	62/1/1/1/1/1/2	0.3936
	55/2/1/1/1/2 तथा 62/3	0.3816
	54/1	0.1692
	13-55	0.1551

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर		
अंजनगोंव (निरंतर....)	13-55(नहर)	0.0307		
	14-52/2/1/1/2	0.5154		
	14-52/2/1/1/2	0.0194		
	103	0.6902		
	100	0.6220		
	99/1	0.0625		
	83/1(स.ग्रा.पंचा.भूमि)	0.0521		
	77/2,77/3तथा 81/2,82/1	0.2568		
	81/1/2	0.1674		
	81	0.0263		
	81/2 (सड़क)	0.0073		
	77/1/1/4,79/2-80	0.2292		
	62/1/1/1/1/1/1/2,62/4	}	0.1337	
	तथा 62/3,53/3,53/2,तथा			
	52/2/1/1/1/2			
	79/1,62/1/6	0.0623		
	62	0.0576		
	भामनिया	64	0.6977	
		65(स.नाला)	0.0192	
		55/1	}	0.1671
		55/2		
		55/3		
		55/4		
		55/5		
		55/6		
		55/7		
54(स.नाला)		0.0180		
53		0.1247		
52/1		}	0.0636	
52/2				
52/3				
41		0.0755		

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर	
भामनिया (निरंतर....)	66(स. यस्ता)	0.2160	
	67	0.1094	
	19	0.3888	
	18/1	0.0114	
	18/2	0.0077	
	17/3	0.1206	
	17/2	0.1135	
	17/1	0.0453	
	16/1/1	0.0624	
	15/2	0.0106	
	15/3	0.1728	
	15/1	0.0863	
	1/8	0.0690	
	1/5,2	0.1506	
	1/7 (सड़क)	0.1031	
	1/4	0.3213	
	1/2	0.2795	
	150	0.3982	
	149/1/1/1(स. चरागाह)	0.4824	
	146	0.3876	
	145/2	0.0383	
	139/1	}	0.0040
	139/2		
	137 (स.नाला)		0.0153
	114/1/1	}	0.1611
	114/1/2		
	113		0.0858
112		0.0564	
111/1/1	}	0.2316	
111/1/3,111/2			
111/3,111/5			
111/4			

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर	
10. शाहपुरा	163 (सड़क)	0.0120	
	136/10	0.1884	
	136/9	0.0612	
	136/8	0.0612	
	136/6,7	0.1080	
	132/1	}	0.3528
	132/2		
	132/3		
	129 (स.नाला)	0.0288	
	105	0.1512	
	106	0.0288	
	107	0.2376	
	95/1	}	0.2808
	95/2		
	94/3	0.2016	
	110	0.0612	
	93/3	0.2520	
	92/1	0.2448	
	92/2	0.1860	
	89/4	0.0864	
	90	0.6696	
	65/1/1	}	0.0504
	65/1/2		
	65/2		
	65/3		
	64	0.2016	
	161/26	0.2196	
	161/27,28	0.1492	
	161/32/1	0.0864	
	161/33	0.3240	
	164/170/1,2	0.5256	
	11. नान्दया	169/234	0.2520
		169/236	0.1116
169/237/1		0.0732	
12. सोलवन	12	0.0216	
	14	0.0972	
	15	0.2016	
	11/1	0.0216	
	11/2	0.1440	
	16/1	}	0.7668
	16/2		
	16/3		
	44/1	0.0030	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
सोलवन (निरंतर....)	19 (स. रस्ता)	0.0216
	20/1	0.3852
	20/2	
	20/3	
	21/1	0.1476
	21/2	
	21/3	
	40	0.1224
	39/1	0.0635
	39/2	0.3193
	39/5	0.0783
	43 (स.नाला)	0.0122
	51/1	0.4430
	52/1	0.3672
	52/2	
	49/4	
	53	0.0756
	54/1	0.0911
	54/2	
	68	0.1269
	67	0.0710
	61/1/1	0.0746
	61/2	0.0432
	61/3	0.2651
	61/4	0.2088
	65/1	0.0137
	65/2	0.0637
	251(स.नाला)	0.2242
	252	0.0477
	256 , 255	0.4129
	258	0.0296
	259 (स.नाला)	0.0229
	260/2	0.0177
	260/1	0.2069
	261 (स.नाला)	0.1060
	262/1	0.0175
13 मालवन	135/2	0.3356
	135/3	0.4140
	133/1	
	133/2	
	133/3	0.3348

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर	
मालवन (निरंतर...)	132 (स.नाला)	0.0180	
	307/2	}	0.3546
	307/3		
	308(स.नाला)		0.0648
	309/3		0.2736
	309/2		0.0072
	310(स.नाला)		0.0432
	300/3		0.4680
	299		0.2880
	297(स. भूमि आबादी)		0.0334
	296/1	}	0.2195
	296/2		
	296/3		
	296/4		
	296/5		
	295(स.नाला)		0.0357
	292		0.5544
	291		0.5436
	290(स.नाला)		0.0216
	288/6	}	0.4482
	288/7		
	275(स.नाला)		0.0216
	95		0.1440
	97(स.नाला)		0.0648
	98/1	}	0.2136
	98/2		
	98/3		
	99		0.1836
	100		0.0180
	91		0.1944
	90/1	}	0.5256
	90/2		
	89		0.1440
	110(स.नाला)		0.0180
	139		0.1872
	138		0.3240
	137 (स.नाला)		0.0108
	136/1,2		0.4284

[फा. सं. आर-31015/26/2001-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 11th April, 2002

S. O. 1267.— Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.3311 dated the 6th December 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended in that notification for the purpose of laying pipeline for transport of petroleum products through the Mumbai-Manmad Pipeline (Indore) in the State of Madhya Pradesh by the Bharat Petroleum Corporation Limited;

And, whereas, the copies of the said Gazette notification were made available to the public on 30th day of December 2001;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in the Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE**TEHSIL : SENDHWA****DISTRICT : BADWANI****STATE : MADHYA PRADESH**

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1. JAMLI	161	0.1296
	160	0.2890
	162/1(GL)	0.0252
	162/2	
	162/3/1	
	162/3/2	
	159/1	0.0576
	159/2	
	155/1	0.2798
	155/1/1	
	155/1/2	
	155/1/3	
	155/1/4	
	155/2	
	153/1	0.7524
	153/2	
	153/3	
	153/4	
	153/5	
	150 (G.DRAIN)	0.0216
	133	0.4172
	136	0.0843
	137/1	0.0576
	137/2	
	135	0.1944
	134/1	0.1296
	134/2	
	121	0.4536
	117/1	0.2304
	117/2	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE	
JAMLI (Cont'd)	115	0.1224	
	116	0.2376	
	106/1	}	0.0180
	106/2		
	65 (G.DRAIN)		0.0288
	109/1/1	}	0.2124
	109/1/2		
	109/1/3		
	109/1/4		
	109/2		
	109/3		
	112		0.3240
	111/1	}	0.1080
	111/2		
	85		0.2268
	84		0.1116
	96		0.2592
	87/1	}	0.0216
	87/2		
	88/1	}	0.1368
	88/3		
	35		0.3672
	32/3		0.0144
	34		0.1224
	28		0.6214
	27		0.1908
	26		0.1260
	24(G.DRAIN)		0.0180
	20		0.4536

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
JAMLI (Cont'd)	18/1, 18/2, 18/9	0.3842
	18/3, 18/4	
	18/5	
	18/8	
	18/6, 18/10	
	18/7	
2. MADHGAON	36/1	0.5205
	36/2	
	36/3	
	36/4	
	36/5	
	36/6	
	36/7	
	36/8	
	36/9	
	35(PAHAD)	0.0466
3. KALALDA	86/346 (National Highway)	0.0652
	88	0.1152
	86/3	0.3456
	86/4	0.1257
4. VAKI	23	0.1728
	46	0.0216
	44/1	0.0936
	44/2	
	26/1	0.5076
	26/2	
	26/3	
	26/4	
	26/5	
	26/6	
	26/7	
	30/2 (Road)	0.0159
	30/1	0.2329
	30/3	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
VAKI (Cont'd)	30/4	From Previous Page
	30/5	
	30/6	
	30/7	
	30/8	
	31/1	0.8608
	31/2	
	31/3	
	31/4	
	31/5	
	77/1	0.3060
	77/2	
	77/3	
	76	0.2160
	72	0.4392
	74/7	0.0504
	74/6	0.0394
	74/5	0.0394
	74/3	0.2385
	74/4	0.0386
	59 (River)	0.1440
	58(GL)	0.1008
	56	0.2988
	18(G. DRAIN)	0.0890
	17/2	0.0692
	19 (GCT)	0.0216
	21/1	0.7056
	21/2/1	
	21/2/2	
	21/2/3	
	21/2/4	
	21/2/5	
	21/2/6	
	21/3/1	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
VAKI (Cont'd)	21/3/2	From Previous Page
	21/3/3	
	21/4	
	21/5	
	21/6	
	21/7	
5. BANIHAR	44(GL)	0.3365
	47	0.0936
	46 (G.DRAIN)	0.0288
	39/1/1	0.3384
	39/1/2	
	39/2	
	38 (GCT)	0.0144
	37/1	0.2592
	37/2	
	37/3	
	37/4	
	37/5	
	37/6	
	37/7	
	37/8	
	37/9	
	33	0.5832
	12	0.0360
	14	0.4600
	5	0.1296
	4/1	0.3453
	4/2	
	3	0.6912
6. NAVALPURA	132(GL)	0.4392
	131/1	0.1656
	140,136/1	0.3528
	139 (GCT)	0.0288
	138/2 (Road)	0.0360

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
NAVALPURA (Cont'd)	138/1	0.0216
	183(GCT)	0.0216
	182	0.0648
	176/1(GL)	0.0382
	181	0.0380
	175/1	0.3528
	148/3(GCT)	0.0381
	148/2	0.5472
	146 (Road)	0.0354
	147	0.2628
	53/1	0.4824
	53/2	
	53/3	
	53/4	
	53/5	
	53/6	
	56(G.DRAIN)	0.0360
	57	0.2088
	58	0.0036
	61/1(GL)	0.2741
	60 (Road))	0.0216
	2/1/5	0.4284
	2/1/1,1/2/4,1/2/2,1/2/5	0.0037
	2/1/10,29/2/2	0.0396
	2/1/11	0.2160
	2/1/3,1/2/3	0.1260
	2/1/2	0.0072
	3	0.0902
	4(GL)	0.0196
	5	0.0360
	6(GL)	0.0471
	8,7	0.0504
	9(GCT)	0.0278

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
NAVALPURA (Cont'd)	10/1	0.1656
	13	0.0911
	14/1	0.2304
	14/2	
7. JULWANIYA	218/1	0.2520
	218/2	
	199/1	0.0216
	199/2	
	200/1	0.1892
	200/2	
	200/3	
	200/4	0.0396
	201/1	
	201/2	
	201/3	
	201/4, 201/6	0.6644
	192/1	
	192/2	
	192/3	
	192/4	
	202 (G.DRAIN)	0.0318
	193	0.3384
	194 (G.DRAIN)	0.1080
	195/1	0.0126
	195/2	
	195/3	
	185 (G.DRAIN)	0.0432
	159/1	0.5688
	159/2	
	144/1	0.4356
	144/2	
	143/1/1/1	0.3780
	143/1/1/2	
	143/1/1	
	143/1/2	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
8. ANJANGAON	62/1/1/1/1/1/2	0.3936
	55/2/1/1/1/2 & 62/3	0.3816
	54/1	0.1692
	13-55	0.1551
	13-55 (Canal)	0.0307
	14-52/2/1/1/2	0.5154
	14-52/2/1/1/2	0.0194
	103	0.6902
	100	0.6220
	99/1	0.0625
	83/1(PANCHAYAT LAND)	0.0521
	77/2,77/3 & 81/2,82/1	0.2568
	81/1/2	0.1674
	81	0.0263
	81/2 (Road)	0.0073
	77/1/1/4,79/2-80	0.2292
	62/1/1/1/1/1/1/2,62/4 & 62/3,53/3,53/2, & 52/2/1/1/1/2	} 0.1337
	79/1,62/1/6	
	62	0.0623
	64	0.0576
9. BHAMNIYA	64	0.6977
	65(G.DRAIN)	0.0192

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BHAMNIYA (Cont'd)	55/1	0.1671
	55/2	
	55/3	
	55/4	
	55/5	
	55/6	
	55/7	
	54(G.DRAIN)	0 0180
	53	0 1247
	52/1	0 0636
	52/2	
	52/3	
	41	0 0755
	66(GCT)	0 2160
	67	0.1094
	19	0.3888
	18/1	0.0114
	18/2	0.0077
	17/3	0.1206
	17/2	0.1135
	17/1	0.0453
	16/1/1	0.0624
	15/2	0.0106
	15/3	0.1728
	15/1	0.0863
	1/8	0.0690
	1/5,2	0.1506
	1/7(ROAD)	0.1031
	1/4	0.3213
	1/2	0.2795
	150	0.3982
	149/1/1/1(GL)	0.4824
	146	0.3876
	145/2	0.0383

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BHAMNIYA (Cont'd)	139/1	0.0040
	139/2	
	137(G.DRAIN)	0.0153
	114/1/1	0.1611
	114/1/2	
	113	0.0858
	112	0.0564
	111/1/1	0.2316
	111/1/3,111/2	
	111/3,111/5	
	111/4	
10. SHAHPURA	163 (Road)	0.0120
	136/10	0.1884
	136/9	0.0612
	136/8	0.0612
	136/6,7	0.1080
	132/1	0.3528
	132/2	
	132/3	
	129 (G.DRAIN)	0.0288
	105	0.1512
	106	0.0288
	107	0.2376
	95/1	0.2808
	95/2	
	94/3	0.2016
	110	0.0612
	93/3	0.2520
	92/1	0.2448
	92/2	0.1860
	89/4	0.0864
	90	0.6696

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
SHAHPURA (Cont'd)	65/1/1	0.0504
	65/1/2	
	65/2	
	65/3	
	64	0.2016
	161/26	0.2196
	161/27,28	0.1492
	161/32/1	0.0864
	161/33	0.3240
	164/170/1,2	0.5256
11. NANDYA	169/234	0.2520
	169/236	0.1116
	169/237/1	0.0732
12. SOLVAN	12	0.0216
	14	0.0972
	15	0.2016
	11/1	0.0216
	11/2	0.1440
	16/1	0.7668
	16/2	
	16/3	
	44/1	0.0030
	19 (GCT)	0.0216
	20/1	0.3852
	20/2	
	20/3	
	21/1	0.1476
	21/2	
	21/3	
	40	0.1224
	39/1	0.0635
	39/2	0.3193
	39/5	0.0783

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE	
SOLVA	43(G.DRAIN)	0.0122	
	51/1	0.4430	
	52/1	}	0.3672
	52/2		
	49/4		0.0756
	53		0.0911
	54/1	}	0.1269
	54/2		
	68		0.0710
	67		0.0746
	61/1/1		0.0432
	61/2		0.2651
	61/3		0.2088
	61/4		0.0137
	65/1		0.0637
	65/2		0.2242
	251(G.DRAIN)		0.0477
	252		0.4129
	256, 255		0.0296
	258		0.0229
	259 (G.Drain)		0.0177
	260/2		0.2069
	260/1		0.1060
	261(G.Drain)		0.0175
	262/1		0.3356

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
13. MALVAN	135/2	0.4140
	135/3	
	133/1	0.3348
	133/2	
	133/3	
	132 (G.DRAIN)	0.0180
	307/2	0.3546
	307/3	
	308(G.DRAIN)	0.0648
	309/3	0.2736
	309/2	0.0072
	310(G.DRAIN)	0.0432
	300/3	0.4680
	299	0.2880
	297(GL. ABADI)	0.0334
	296/1	0.2195
	296/2	
	296/3	
	296/4	
	296/5	
	295(G.DRAIN)	0.0357
	292	0.5544
	291	0.5436
	290(G.DRAIN)	0.0216
	288/6	0.4482
	288/7	
	275(G.DRAIN)	0.0216
	95	0.1440
	97(G.DRAIN)	0.0648
	98/1	0.2136
	98/2	
	98/3	
	99	0.1836
	100	0.0180

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
MALVAN (Cont'd)	91	0.1944
	90/1	} 0.5256
	90/2	
	89	0.1440
	110(G.DRAIN)	0.0180
	139	0.1872
	138	0 3240
	137 (G DRAIN)	0 0108
	136/1,2	0 4284

[F No R-31015/26/2001-OR-II]
HARISH KUMAR, Under Secy

नई दिल्ली, 11 अप्रैल, 2002

का. आ. 1268.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का. आ. 3492 तारीख 21 दिसम्बर, 2001 द्वारा उस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमि में मुम्बई-मनमाड पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा महाराष्ट्र राज्य में पानेवाडी (मनमाड) से मध्यप्रदेश राज्य में मागल्या (इन्दौर) तक पेट्रोलियम पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 20 जनवरी, 2002 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तेहसील : धार

जिला : धार

राज्य : मध्यप्रदेश

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
1. सोरङ्यापुरा	148/1	0.2418
	148/2	
	145	0.0071
	151	0.0693
	144	0.0940
	153	0.1970
	154	0.0850
	155	0.2037
	156	0.1006
	157	0.1593
	139(स. रास्ता)	0.0424
	138	0.0232
	134	0.0814
	133	0.0673
	132	0.0591
	128	0.0016
	131/1	0.1195
	131/2	0.0444
	129/1	0.3034
	129/2	
	130	0.0003
2. गल्लामहुडी	45(स. चरागाह)	0.0570
	46	0.1996
	48 स. भूमि (प्र. वन)	0.3065
	13	0.0998
	12	0.2851
3. पीरघाटी	27 (नदी)	0.0100
	28 (नदी)	0.0600
	26/1	0.1400
	26/2	
	21/1	0.1922
	21/2	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर		
पीरघाटी (निरंतर..)	24	0.0883		
	22 (नदी)	0.0525		
	15/1 क	}	0.2752	
	15/1 ख			
	15/1 ग			
	15/2			
	5	0.2026		
	16 (स. यस्ता)	0.0071		
	4/2	0.3086		
	3 (स. यस्ता)	0.0272		
4. अम्बापुरा	13/1	}	0.2439	
	13/2			
	14(स. रास्ता)	0.0731		
	12(स.नाला)	0.0072		
	5. अडाबरडा	28 स. भूमि (प्र.वन)	0.0360	
7		0.1764		
8		0.0089		
6/1		}	0.2448	
6/2				
5		0.1601		
4		0.2952		
21 स. भूमि (प्र.वन)		0.1596		
3		0.0516		
2		0.2880		
25,26 स. भूमि (प्र.वन)		0.2004		
1 (स. यस्ता)		0.0099		
6. भूराकुंआ		17/1	}	0.7182
		17/2		
		3 (स. यस्ता)	0.0428	
	23(स.चरागाह)	0.1069		
	2/1	}	0.2294	
	2/2			
	46 स. भूमि (प्र.वन)	0.4706		
	1	0.0036		

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
7. जूनीदाल	36 (स.नाला)	0.0125
	14	0.2994
	26	0.1241
	22	0.3136
	21	0.1925
	20	0.0844
	24(स. चरागाह)	0.0174
	19	0.0031
	30, 31 (अजगार नदी)	0.1366
8. ढाल	75 (स. भूमि (प्र.वन)	0.0285
	48	0.1497
	52	0.2038
	40	0.1525
	53 (स.नाला)	0.0228
	89 (स. भूमि (प्र.वन)	0.0397
	87 (स. भूमि (प्र.वन)	0.0082
	88 (स. भूमि (प्र.वन)	0.0214
	83 (राष्ट्रीय राजमार्ग.3)	0.0068
	82 (राष्ट्रीय राजमार्ग.3)	0.0055
	81 (राष्ट्रीय राजमार्ग.3)	0.0060
	80 (राष्ट्रीय राजमार्ग.3)	0.0214
9. जामनझिरी	37 (नदी)	0.1189
	65/1	0.1925
	65/2	
	66	0.2780
	60/1	0.4063
	60/2	
	58/1	0.3564
	58/2	
	57	0.0071
	55	0.0071
	56	0.2067
	77/1	0.0143
	77/2	
	77/3	

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
जामनझिरी (निरंतर...)	78	0.1782
	88 (पहाड़)	0.2566
	83	0.1925
	82 (पहाड़)	0.0624
	81 (नदी)	0.0214
	85/1	0.1853
	85/2	
	85/3	
	85/4	
	85/5	
	85/6	
10. कालीबेल	16(नदी)	0.0601
	19/1	0.1525
	19/2	
	20 (स.न.ला)	0.0449
	21/1	0.1829
	21/2	
	24/1	0.2464
	24/2	
	24/3	
	24/4	
	24/5	
	24/6	
	25/1	0.2484
	25/2	
	18	0.0503
	17	0.1476
	29	0.0286
	30	0.0053
	15	0.2982
	13/1	0.1080
	13/2	
	14	0.0720

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हेक्टेयर
कालीबेल (निरंतर...)	39/1	}	0.0654
	39/2		
	39/3		
	39/4		
	42/1	}	0.1558
	42/2		
	41(स. अबादी)	}	0.0248
	44/1		0.1078
	44/2		
	40(स. रास्ता)	}	0.0055
	10/1		0.1493
	10/2		
	9/1	}	0.0594
	9/2		
	8	}	0.1614
	7/1		0.2232
	7/2		
	7/3		
	46/1	}	0.0761
	46/2		
	46/3		
	47/1	}	0.0720
	47/2		
	47/3		
	47/4		
	1 (नदी)		0.0761

[फा. सं. आर-31015/36/2001-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 11th April, 2002

S. O. 1268.— Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.3492 dated the 21st December 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User's in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of petroleum products through the Mumbai-Manmad Pipeline Extension Project from Panewadi(Manmad) in the State of Maharashtra to Manglya (Indore) in the State of Madhya Pradesh by the Bharat Petroleum Corporation Limited;

And, whereas, the copies of the said Gazette notification were made available to the public on 20 January 2002;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in the Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL: DHAR	DISTRICT : DHAR	STATE : MADHYA PRADESH
NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1. SORDYAPURA	148/1	0.2418
	148/2	
	145	0.0071
	151	0.0693
	144	0.0940
	153	0.1970
	154	0.0850
	155	0.2037
	156	0.1006
	157	0.1593
	139(GCT)	0.0424
	138	0.0232
	134	0.0814
	133	0.0673
	132	0.0591
	128	0.0016
	131/1	0.1195
	131/2	0.0444
	129/1	0.3034
	129/2	
2. GALLAMAHUDI	130	0.0003
	45(GL)	0.0570
	46	0.1996
	48 GL(Proposed Forest)	0.3065
	13	0.0998
	12	0.2851

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE		
3. PIRGHATI	27(RIVER)	0.0100		
	28(RIVER)	0.0600		
	26/1	}	0.1400	
	26/2			
	21/1	}	0.1922	
	21/2			
	24	0.0883		
	22(RIVER)	0.0525		
	15/1 K	}	0.2752	
	15/1 KH			
	15/1 G			
	15/2			
	5	0.2026		
	16(GCT)	0.0071		
	4/2	0.3086		
	3 (GCT)	0.0272		
4. AMBAPURA	13/1	}	0.2439	
	13/2			
	14(GCT)	0.0731		
	12 (G.DRAIN)	0.0072		
5. ADABARDA	28 GL(Proposed Forest)	0.0360		
	7	0.1764		
	8	0.0089		
	6/1	}	0.2448	
	6/2			
	5	0.1601		
	4	0.2952		
	21 GL(Proposed Forest)	0.1596		
	3	0.0516		
	2	0.2880		
	25,26 GL(Proposed Forest)	0.2004		
	1 (GCT)	0.0099		
	6. BHURAKUVA	17/1	}	0.7182
		17/2		
3 (GCT)		0.0428		
23(GL)		0.1069		
2/1		}	0.2294	
2/2				

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE	
BHURAKUVA (Contd.)	46 GL(Proposed Forest)	0.4706	
	1	0.0036	
7. JUNIDHAL	36(G.DRAIN)	0.0125	
	14	0.2994	
	26	0.1241	
	22	0.3136	
	21	0.1925	
	20	0.0844	
	24(GL)	0.0174	
	19	0.0031	
	30, 31 (Ajnar River)	0.1366	
8. DHAL	75 GL(Proposed Forest)	0.0285	
	48	0.1497	
	52	0.2038	
	40	0.1525	
	53 (DRAIN)	0.0228	
	89 GL(Proposed Forest)	0.0397	
	87 GL(Proposed Forest)	0.0082	
	88 GL(Proposed Forest)	0.0214	
	83(NH 3)	0.0068	
	82(NH3)	0.0055	
	81(NH3)	0.0060	
	80(NH3)	0.0214	
9. JAMANJHIRI	37 (RIVER)	0.1189	
	65/1	}	0.1925
	65/2		
	66		0.2780
	60/1	}	0.4063
	60/2		
	58/1	}	0.3564
	58/2		
	57		0.0071
	55		0.0071
	56		0.2067
	77/1	}	0.0143
	77/2		
	77/3		
	78		0.1782
	88(PAHAD)		0.2566

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
JAMANJHIRI (Cont'd)	83	0.1925
	82(PAHAD)	0.0624
	81(RIVER)	0.0214
	85/1	0.1853
	85/2	
	85/3	
	85/4	
	85/5	
	85/6	
10. KALIBEL	16(RIVER)	0.0601
	19/1	0.1525
	19/2	
	20 (G.DRAIN)	0.0449
	21/1	0.1829
	21/2	
	24/1	0.2464
	24/2	
	24/3	
	24/4	
	24/5	
	24/6	
	25/1	0.2484
	25/2	
	18	0.0503
	17	0.1476
	29	0.0286
	30	0.0053
	15	0.2982
	13/1	0.1080
	13/2	
	14	0.0720
	39/1	0.0654
	39/2	
	39/3	
	39/4	

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
KALIBEL (Cont'd)	42/1	0.1558
	42/2	
	41(GL,ABADI)	0.0248
	44/1	0.078
	44/2	
	40(GCT)	0.0055
	10/1	0.1493
	10/2	
	9/1	0.0594
	9/2	
	8	0.1614
	7/1	0.2232
	7/2	
	7/3	
	46/1	0.0761
	46/2	
	46/3	
	47/1	0.0720
	47/2	
	47/3	
	47/4	
	1 (RIVER)	0.0761

[F. No. R-31015/36/2001-OR-II]
HARISH KUMAR, Under Secy.

शहरी विकास और गरीबी उन्मूलन मंत्रालय

नई दिल्ली, 10 अप्रैल, 2002

आदेश

का. आ. 1269.— भारत सरकार पाठ्य पुस्तक मुद्रणालय, चंडीगढ़ का प्रबंधक उक्त मुद्रणालय के समूह 'ग' और समूह 'घ' के कर्मचारियों की बाबत, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 की अनुसूची में विहित अनुशासनिक प्राधिकारी है :

और भारत सरकार पाठ्य पुस्तक मुद्रणालय, चंडीगढ़ में कार्यरत श्री साहन लाल शर्मा दफ्तरी के विरुद्ध केन्द्रीय सिविल सेवा (वर्गीकरण नियंत्रण और अपील) नियम, 1965 के नियम 14 के अधीन अनुशासनिक कार्यवाही अनुध्यात की गई थी :

और भारत सरकार पाठ्य पुस्तक मुद्रणालय चंडीगढ़ का प्रबंधक उक्त श्री साहन लाल शर्मा दफ्तरी के विरुद्ध अनुध्यात अनुशासनिक कार्यवाही में महत्वपूर्ण साक्षी होने के कारण अनुशासनिक प्राधिकारी के रूप में कृप्य करने में असमर्थ है :

अतः अब, राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम 1965 के नियम 12 के उपनियम (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के तत्कालीन शहरी विकास मंत्रालय की अधिसूचना सं० का०आ० 3169 तारीख 20 अक्टूबर 1999 का उन बातों के सिवाय जिन्हें एस अधिकमण से पूर्ण किया गया है या करने का लोप किया गया है अधिकमण करते हुए श्री जगिन्तर सिंह उपनिदेशक मुद्रण निदेशालय निर्माण भवन, नई दिल्ली का भारत सरकार के पाठ्य पुस्तक मुद्रणालय चंडीगढ़ के श्री साहन लाल शर्मा, दफ्तरी के विरुद्ध अनुध्यात अनुशासनिक कार्यवाही में केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 11 में विनिर्दिष्ट शास्त्रियों में से कोई भी आधेरापित करने में सक्षम तत्क्य अनुशासनिक प्राधिकारी के रूप में नियुक्त करने हैं ।

[फा. सं. सी-16014/1/99-एवी]

एस. के. विसवास, डेस्क अधिकारी

MINISTRY OF URBAN DEVELOPMENT
AND POVERTY ALLEVIATION

New Delhi, the 10th April, 2002

ORDER

S. O. 1269.—WHEREAS, the Manager, Government of India Text Books Press, Chandigarh is the disciplinary authority prescribed in the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1965 in respect of Group 'C' and Group 'D' employees of the said Press;

AND WHEREAS, disciplinary proceedings were contemplated against Shri Sohan Lal Sharma, Daftry working in the Government of India Text Books Press, Chandigarh under rule 14 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965;

AND WHEREAS, the Manager, Government of India Text Book Press, Chandigarh is unable to function as the disciplinary authority on account of being a material witness in the disciplinary proceedings contemplated against the said Shri Sohan Lal Sharma, Daftry;

NOW THEREFORE, in exercise of the powers conferred by clause (b) of sub-rule (2) of rule 12 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965, and in supersession of the notification of the Government of India in the erstwhile Ministry of Urban Development number S.O. 3169, dated the 20th October, 1999, except as respects things done or omitted to be done before such supersession, the President hereby appoints Shri Joginder Singh, Deputy Director in the Directorate of Printing, Nirman Bhawan, New Delhi as the ad-hoc disciplinary authority competent to impose any of the penalties specified in rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 in the disciplinary proceedings contemplated against Shri Sohan Lal Sharma, Daftry, Government of India Text Books Press, Chandigarh.

[F No. C-16014/1/99-AV]

S K. BISWAS, Desk Officer

श्रम मंत्रालय

नई दिल्ली, 15 मार्च, 2002

का. आ. 1270.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.1, मुम्बई के पंचाट (संदर्भ संख्या 43, 44 ऑफ 1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-02 को प्राप्त हुआ था।

[सं. एल-17012/8/96-आई.आर.(बी-II)]

एल-17012/9/96-आई.आर.(बी-II)]

सी. गंगाधरण, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 15th March, 2002

S.O. 1270.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref No 43, 44 of 1997) of the Central Government Industrial Tribunal-cum-Labour Court No 1, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 14-03-2002

[No L-17012/8/96-IR(B-II)

L-17012/9/96-IR(B-II)]

C GANGADHARAN, Under Secy

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO 1, MUMBAI
PRESENT

Shri Justice S C Pandey

Presiding Officer

REFERENCE NO CGIT 43/1997

REFERENCE

NO CGIT 44 OF 1997

Parties : Employers in relation to the
management of Life Insurance
Corporation of India
And
Their Workmen.

Appearances :

For the Management Shri Bapat

For the Workman Shri Deo

State Maharashtra

Mumbai, dated the 28th day of February, 2002

COMMON AWARD

1 The Central Government has referred the following question to be answered by this Tribunal in exercise of its powers under clause (d) of sub-section (1)

and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (The Act for short)

Ref. No. CGIT-44 of 1997

“Whether the action of the management of LIC of India in terminating/discontinuing the services of Shri Milan Vasant Patil, Sub-staff/Peon w e f 08-2-1994 is legal and justified ? If not, to what relief the said workman is entitled ?”

Ref. No. CGIT-43 of 1997

“Whether the action of the management of LIC of India in terminating/discontinuing the services of Shri Ravindra Vyankat Ladhe, Sub-staff/Peon w e f 08-2-1994 is legal and justified ? If not, to what relief the said workman is entitled ?”

2 The facts of both the references are essentially identical and therefore, this common Award shall dispose of both the references These references has come up before this tribunal after failure of reconciliation

The workman Mr Ravindra Vyankat Ladhe claimed that he was appointed only by the opposite party Life Insurance Corporation of India (the Corporation for short) as a peon (Sub-staff on 01-2-1992 at its Savda Branch on 07-2-1994) His services were terminated orally The workman claimed that during this period he had continuously worked for more than 240 days in a Calendar year The workman claimed that he be taken back in service

4 The case of Mr Milan Vasant Patil too is based on identical facts They are to the effect that he too was appointed orally on same post on 01-12-1992 and his services were terminated on 07-02-1994 He too claimed to have worked for 240 days in a calendar year He also prayed that he be reinstated

5 In both these cases the Corporation has chosen to file a long reply In effect it says that it is a Statutory Corporation It has framed rules/regulations for appointment of its staff and its staff is appointed under these rules and regulations implying thereby that there is no appointment made contrary to these staff rules and regulations Therefore, the employees cannot be absorbed It is true that the workman had prayed for absorption in their written statement However, each reference in the cases themselves were regarding illegal termination Therefore, the question of absorbing these workmen is outside the scope of the each reference in two cases The tribunal is not called upon to consider the case of absorption and as such refuses to consider that aspect of the matter given in great details in the statement of claim made by the Corporation As to claim of the workman Mr R V Ladhe for reinstatement, the Corporation gave the following reply

“The workman has claimed continuous service as a temporary employee from December 1992 to

1072 65/02 - 21

August 1994 Even assuming without admitting that he has been unjustifiably terminated thereafter, such termination cannot enable him to claim reinstatement ”

6 In both these cases the workman filed their rejoinders and allege there was violation of Section 25 F of the Act

7 After filing usual affidavits in lieu of examination in chief the workmen were permitted to be cross-examined They were discharged The Corporation too filed affidavit of one witness and he was cross-examined and discharge

8 It is clear from the affidavits filed by the workmen that they were employed as Peons for a continuous period between 1st December 1992 to 07th February 1994 They were paid Rs 25 per day during the period They were not given any notice and/or compensation before their termination They had thus worked for continuously for 358 days i.e. more than 240 days in a calendar year It is true that both workmen stated in their affidavits that they were signing the registers maintained by the office The nature of their work was that of a Peon In cross-examination both these workmen admitted that they were not signing the register meant for permanent employees of the Corporation The affidavit filed on behalf of the Corporation by Shri T K Parmeshwaran states that both the workmen were employed as Peons on ad hoc, not as temporary staff Their appointment was on purely casual basis pending appointment of regular as per rules, statutory regulations and the instructions It was stated that both these workmen failed to qualify for regular staff This fact was not disputed by the workmen in their cross-examination In cross-examination of Mr T K Parmeshwaran admitted in both the cases that the workmen in question worked for more than 240 days in a calendar year He admitted in the case of M V Patil in letter addressed to Asstt Commissioner of Labour, Nagpur dated 09-1-1996 that the Corporation had admitted that workmen had worked for more than 240 days in the first 12 months He admitted no compensation or notice was given to Mr Patil because he was a casual worker The same was stated in the case of Mr Ladhe The above discussion of the evidence shows that the workmen were employed at the rate of Rs 25 per day as peon and worked in a calendar year for more than 240 days They may not have been made members of regular staff as they were appointed orally and their services were terminated orally The officers of the Corporation may have violated their own rules Shri T K Parmeshwaran was unable to point out any rules for such appointments For this reason he calls them ad hoc or casual They were certainly workmen within 2(s) of the Act It is found these workmen had worked for more than 240 days in a calendar year

9 Now the question is if the termination of their services amounts to retrenchment within the meaning of Section 2(oo) of the Act It reads as under

“retrenchment’ means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action but does not include

- (a) voluntary retirement of the workman, or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf,
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation on that behalf contained therein, or
- (c) termination of the service of a workman on the ground of continued ill-health.”

Section 25 F of the Act reads as follows

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month’s notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days’ average pay (for every completed year of continuous service) or any part thereof in excess of six months, and
- (c) notice in the prescribed manner is served on the appropriate government [for such authority as may be specified by the appropriate government by notification in the Official Gazette]

10 It would be readily seen from the text of 2(oo) read with 25F of the Act that in case of retrenchment certain formalities have to be done If notice and the retrenchment compensation determined in accordance with Section 25B of the Act as not given the order of termination is invalid However, it is must that the termination should amount to retrenchment under the Act It is clear from Section 2(oo) of the Act does not mention for its operation any classification of the worker like temporary casual or permanent The reason is that the Act in the main provides for payment of retrenchment compensation so that the workman may feel somewhat secure It permits conditional retrenchment but is not directed against retrenchment as such The consequence

of retrenchment without compensation obviously makes the order of retrenchment invalid. Therefore, on principles this tribunal finds no good reason to hold that merely because a person is classified by the employer for his own purpose as a casual worker he can be retrenched without following the formalities under Section 25F of the Act. The Act is not concerned with provision made by the employer in his establishment for classifying a worker as 'permanent' temporary or casual. That apart there is ample authority for the proposition that Section 25F of the Act would apply to a casual or daily rated employer. In the case of *Municipal Council Delhi Vs. Praveen Kumar Jain* AIR 1999 SC 1540; 1998 II LLJ 674 the Supreme Court had held that a daily rated workman too is entitled to protection of Section 25F of the Act. The view of the Supreme Court in the case of *State Bank of India vs. Sundra Money* AIR 1976 SC 311 is to the effect that casual labour too is entitled to protection of Section 25F read with Section 25(B) (2) of the Act has not been modified by the legislature by expressly providing that the services of casual labour could be terminated without payment of retrenchment compensation. In that case the term 'casual labour' itself would be needed to be defined under the Act. A Division Bench of the Calcutta High Court in *Calcutta Telephones Vs. Rintu Bagchi* 2001 II LLJ page 103 has taken the view that casual labour is protected by Section 25F of the Act. Same view was taken by a Division Bench of Rajasthan High Court in the case of *Ramchandra Vs. Union of India* 2001 II LLJ page 159. Therefore, there is nothing to support the argument that merely because a workman is branded as a casual or adhoc by the employer he can not get protection of Section 25F of the Act.

11 The other limb of the argument that the workman were covered by exception (bb) to Section 2(OO) of the Act is also not acceptable. First thing there must be pleading to this effect that termination of the workman was as a result of non renewal of contract or that there was such stipulation in the contract of employment. Such contract cannot be presumed merely because the workmen were being paid at rate of 25 per day. The burden of proof is definitely on the employer because it is he who wants to invoke the exception (bb) to Section 2(OO) of the Act. In similar circumstances a Division Bench of Punjab and Haryana High Court referring to several decisions that it was for employer to plead and prove the exception. It was so held in the case of *Ram Niwas Vs. Presiding Officer, Labour Court* II LLJ page 37 that apart no foundation was laid in cross-examination of the two workmen for such plea. There is no evidence regarding any contract with the workman either in the cross-examination or in the affidavit filed by Corporation. In cross-examination the witness T.K. Parmeshwaran stated that he was not aware that workmen were informed that they were to serve for a limited period. This is clear from his deposition in the case *M.V. Patil*. In

the case of *R.V. Ladhe*, the witness stated that he was not aware of the fact that the workman was informed that he was employed only for the period till the regular vacancy is filled by making fresh appointments. The affidavits in both these cases are silent about the contract of renewal of any stipulation. For all these reasons this tribunal rejects the contention that the Corporation has proved its case that termination of services of these two workmen does not amount retrenchment.

12. Last but not least, this tribunal must deal with the argument raised on behalf of the Corporation regarding the competency of these two references. It was argued that since the initial appointments of these workmen were invalid in violation Regulation 8(2) of the staff Regulation framed by the Corporation this reference in both the cases is incompetent. This argument is based on the assumption that this tribunal is dealing with the cases of regularization and absorption as per Life Insurance Corporation of India Act and the rules and regulations. In fact this tribunal is not giving any adjudication in the question/legality of appointment of the workmen as per Staff Regulations. The Corporation is any industry. The workmen have an option to raise an industrial dispute under the Act when their services were terminated. On failure of reconciliation the references was made. This industrial dispute is being dealt with under 'the Act'. The dispute has to be within the four corners of the Act. It is, this tribunal cannot decide the question of validity of appointment of two workmen in these two references for the reason the fact of appointment is not in dispute. Once this fact is accepted then this tribunal has to find out whether termination of services amounts to retrenchment. Perhaps this argument may have been raised in another forum in case the workmen had challenged the termination of services for violation of Act rules and Staff regulation. In such a case the workmen may be claiming reinstatements of their services. In this industrial dispute, they are claiming that they have been retrenched without payment of compensation. Only when a person is so declared, that he is retrenched he may or may not be reinstated. This is a consequence of an industrial dispute. The violation of staff regulations or illegal termination under the service law operates in a different sphere. The two concepts are altogether different. Therefore, the contention too is rejected. The case of *N.S. Giri Vs. Mangalore Corporation*, C.A. No. 711 of 1993 decided on 14-5-1999 is different. It holds that an industrial settlement cannot override a statutory rule. No advantage can be derived from that case on the basis of that ruling. It is confined to the facts of the case.

13. Consequently this tribunal is of the view that the termination of services of *R.V. Ladhe* and *M.V. Patil*, the workmen in Reference CGIT 43/1997 and Reference CGIT 44/1997 respectively with effect from 07-2-2004 is

bad in law. They are liable to be reinstated. In this case the workmen have been treated heartlessly by the Officers of the Corporation who had adopted the policy of 'hire and fire' workmen when they no longer remained useful. Admittedly, they have been paid less than what was their due. This is clear from the deposition of T K. Parmeshwaran. It appears to be the stand the Corporation that they were paid less because they were adhoc or casual workers appointed contrary to Staff regulations. There is no evidence on record that they were otherwise gainfully employed. Looking to all that factors and the fact that the case was not delayed on account of the workmen, this tribunal is of the view that they should be reinstated with full back wages. Accordingly, the Corporation is directed to reinstate both the workmen R V Ladhe and M.V. Patil with full back wages. A copy of this award shall be kept in the files of both the cases for the purpose of record.

S.C. PANDEY, Presiding Officer

नई दिल्ली, 15 मार्च, 2002

का. आ. 1271.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 13/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-02 को प्राप्त हुआ था।

[सं. एल-12011/268/2000-आई.आर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 15th March, 2002

S.O. 1271.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 13/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 14-03-2002.

[No. L-12011/268/2000-IR(B-II)]

C. GANGADHARAN, Under Secy

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

"SHRAM SADAN"

III Main, III Cross, II Phase, Tumkur Road,
Yeshwanthpur, Bangalore

Dated 7th March, 2002

PRESENT

HON'BLE SHRI V.N KULKARNI, B Com. LLB,
PRESIDING OFFICER
CGIT-CUM-LABOUR COURT,
BANGALORE
C.R No 13/2001

I Party

The General Secretary,
Syndicate Bank Employees Union,
7/2, 1st Main Sheshadripuram,
Bangalore-560020

II Party

The General Manager (P).
Syndicate Bank, Head Office,
P.B. No 1,
Manipal-576119,
Karnataka

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No 12012/268/2000/IR (B-II) dated 16th February 2001 for adjudication on the following schedule :

SCHEDULE

"Whether M/s Syndicate Bank is justified in imposing the punishment of reduction of pay by three stages in respect of Shri Shivamallu, Clerk, Madapur Branch, Coorg Distt ? If not, what relief the disputant workman is entitled to ?"

2. A letter is received from the Union and also from the workman saying that they do not want to continue this dispute and prays permission to withdraw the same

3. In view of the request of the union and workman, permission is granted to withdraw the dispute and accordingly the reference is disposed of as withdrawn.

(Dictated to PA transcribed by her corrected and signed by me on 7th February, 2002)

V.N KULKARNI, Presiding Officer

नई दिल्ली, 18 मार्च, 2002

का. आ. 1272.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊदर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/लेबर कोर्ट, चेन्नई के पंचाट (संदर्भ संख्या आई.डी. नं. 511 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-03-02 को प्राप्त हुआ था।

[सं. एल-41012/232/2000-आई.आर.(बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 18th March, 2002

S.O. 1272.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. No. 511/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway and their workman, which was received by the Central Government on 15-03-2002.

[No. L-41012/232/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Wednesday, the 13th March 2002

PRESENT : K. KARTHIKEYAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 511/2001

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri M. Senthil Kumar and the Management of Southern Railway].

BETWEEN

Sri M. Senthil Kumar I Party/Workman

AND

The Chief Signal &
Telecommunication Engineer,
Construction, MMC,
Southern Railway II Party/Management

Appearance :

For the Workman : Sri R. Asaithambi,
Advocate

For the Management : Sri G. Kalyanasundaram,
Addl. CGSC.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-41012/232/2000/IR (B-I) dated 05-02-2001.

On receipt of the order of reference from the Government of India, Ministry of Labour, this case has been taken on file as I D. No. 511/2001 and notices were sent to both the parties to the dispute, with a direction to appear before this Tribunal on 08-03-2001 to prosecute this case further. Accordingly, both the parties were

appeared along with their respective counsels and have prosecuted this case by filing their Claim Statement and Counter Statement respectively and by marking their respective documents by consent.

When the matter came up before me for final hearing on 13-02-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let in on either side, and after hearing the arguments advanced by the learned counsel on either side, this matter having stood over till this date for consideration, this Tribunal has passed the following :

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the CSTE, construction, Southern Railway in terminating the services of Sri M. Senthil Kumar with effect from 13-03-2000 is justified ? If not, to what relief is the entitled ?”

2. The averments in the Claim Statement filed by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri M. Senthil Kumar (hereinafter refers to as the Petitioner) was employed as Bungalow Lascar to Chief Works Manager, Signal and Telecommunication at Podanur on 1-6-96. His appointment was approved by the Chief Personnel Officer at Chennai by his letters dated 24-4-96 and 30-5-96. The medical authority has medically examined the Petitioner and has found fit for C2 category post and after that only he was appointed for the said post. The Petitioner joined duty on 1-6-96 and attended all the works allotted to him by the CWM/S & T/Podanur to his satisfaction. When the said officer was transferred to Chennai, the Petitioner was also transferred with the officer to Chennai w.e.f. 27-2-98 and posted to the house of the said officer at No. 134J, Thungapathra Railway Quarters, Sterling Road, Nungambakkam, Chennai-34. While working at Chennai another lady by name Shanthi was employed by the said officer to assist his wife in her personal work. The said lady influenced the said officer and requested him to give the Bungalow Lascar post to her husband namely Sri Sankar. The said officer also intended to stop the Petitioner from the said post. The said officer and his wife ill-treated and some time assaulted the Petitioner with a view to create some problem to terminate the service of the Petitioner. All along the Petitioner has tolerated and attended his duties sincerely in order to safeguard the employment. The said officer sent the Petitioner for medical check-up on 22-2-99 as if, the Petitioner was not a normal person. The Medical Officer also gave a fitness certificate to the Petitioner to attend duty from 18-3-99 onwards. The said officer did not allot any work and also he asked the Petitioner not to attend duty from 13-3-2000 onwards. The Petitioner represented his grievance to the Appellate

Authority in his letter dated 3-4-2000. Father of the Petitioner also represented his case to the Appellate Authority in his letter dated 24-3-2000. Now the Petitioner understands that the above said Shanthi and her husband Sankar were also sent out of the house of the said officer. The Petitioner attended the office and requested the officer to allot any work, but the officer did not assign any work after 13-3-2000. The said officer and the higher authority did not care about the Petitioner's representation and all of a sudden issued the termination order dated 19-4-2000, stating that the Petitioner's service has been terminated w.e.f. 18-4-2000 afternoon. The termination order is not according to the provision of law and *mala fide*. The said officer intended to appoint some other person for the reason best known to him and therefore, the Respondent terminated the service of the Petitioner and hence, the order is *mala fide*, vindictive and unfair labour practice. The termination order did not say any reason and therefore, it is not according to the provision under section 25F of the Industrial Disputes Act, 1947. The Respondent has failed to comply with the provision under section 25G of the Industrial Disputes Act. There are juniors to the Petitioner still working in the office of the Respondent. The phraseology that the 'last come first go' is not complied in this case and therefore, the order is bad in law. The Respondent has failed to comply with the provision under section 25N of Industrial Disputes Act and therefore, the termination order is illegal and unfair labour practice. Without holding any enquiry proceedings, the Petitioner's service has been terminated and therefore, the impugned order is illegal and against the principles of natural justice. The work which the Petitioner was doing during the employment in the Respondent is still continuing and his juniors are being employed and therefore, the uncalled termination for ulterior motive is illegal. Since the Petitioner has failed in his attempt with the Respondent in getting reinstatement, he had no other option but to raise a dispute under section 2A of the Industrial Disputes Act. After the failure of conciliation, the matter has been referred to this Tribunal for adjudication. Hence, it is prayed that this Hon'ble Tribunal may be pleased to pass an Award holding that the action of the Respondent/Management in terminating the services of the Petitioner is not justified and consequently direct the Respondent to reinstate the Petitioner in service with continuity of service, back wages and all other benefits.

3. The averments in the Counter Statement filed by the II Party/Management (hereinafter refers to as Respondent) are briefly as follows:—

The claim of the Petitioner is not maintainable either in law or on facts. The service of the post is purely temporary and contractual in nature. The Petitioner was engaged as substitute Bungalow Peon. The duty of which calls for performance of duty including at residence of Sri B. Krishnakumar, Chief Workshop Manager, Signal &

Telecommunication, Southern Railway, Podanur w.e.f. 1-6-96. The Petitioner's services before regular absorption is liable for termination, if warranted due to unsatisfactory performance, want of post and among other administrative needs. The Petitioner has not been regularly absorbed before he was terminated. The Petitioner is not a railway employee and the service of the Petitioner is temporary and contractual in nature and has no right over the post. The Hon'ble Principle Bench of Central Administrative Tribunal has observed in a case that "*a Bungalow Peon acquires temporary status on completion of such a period of continuous service as may be prescribed by the General Manager of the Railways under which he works and which is current on the date of his employment as a Bungalow Peon and that after acquisition of temporary status of Bungalow Peon his service can be terminated on the ground of unsatisfactory work without holding departmental enquiry and that the termination of service of substitute Bungalow Peon, who has acquired temporary status is not bad or illegal for want of notice before termination. In such case, he may be entitled to pay for the period of notice in lieu of notice as discussed in that order*". Under such circumstances, the Petitioner is not entitled for any benefit as prayed, since the Petitioner is not a railway servant and his service can be terminated including the ground of unsatisfactory work without even holding departmental enquiry. Therefore, the petition is liable to be dismissed. Further, his service was terminated on the ground that his service was not required to be continued. The Petitioner was engaged as Bungalow Lascar on the request of Sri Krishnakumar, CWM/S&T/Southern Railway/Podanur. The said engagement was in open line establishment. His appointment was given under the clear notification that his service will be terminated at any time without any notice. Consequent on the posting of Sri B. Krishnakumar as Chief Signal & Telecommunication Engineer, Construction, Chennai the Petitioner was continued as Bungalow Peon to the said officer vide office order dated 27-2-98. This was so made in the project organisation different from open line establishment at the request of Sri B. Krishnakumar and the willingness of the Petitioner to work in project. Thus, his continuance in the project is as long as his service is required to be continued. Due to surrender of post, his services were no longer required for the officer. Therefore, the services of the Petitioner were terminated w.e.f. 18-4-2000 vide letter-dated 19-4-2000 as per the conditions laid down in the appointment order dated 1-6-96. The Petitioner was also paid compensation towards notice period and towards retrenchment compensation in accordance with the provisions under Industrial Disputes Act. Since the post was not continued Sri B. Krishnakumar though continued as Chief Signal and Telecommunication Engineer (Construction) in the very same project up to 2-6-2000, no substitute Bungalow Peon was engaged thereafter for want of post. In the termination order, it is mentioned that

the services of the Petitioner were no longer required by the officer and due to surrender of post, the services of the Petitioner were terminated according to the conditions stipulated in the appointment order. The order-dated 18-4-2000 is very specific to this extent. The post of Bungalow Peon is attached to the officer concerned and it is filled in by the choice made by the officer as it involves working with the officer at the residence as well. After the termination of the Petitioner, there was no post attached to CSTE, Construction, in the project. As the post occupied by the Petitioner is temporary and contractual in nature, the section 25Q of Industrial Disputes Act 'last come first go' principle is not relevant and not applicable. Having accepted the conditions attached to his appointment order, the Petitioner cannot challenge the same thereafter and cannot claim to maintain that the termination of his service was illegal and unfair. As per terms of para 1501 of Indian Railway Establishment Manual Vol. I, *"when a person without a lien on a permanent post under Govt. is appointed to hold a temporary post or to officiate in a permanent post is entitled to no notice of termination of his service"* As per the above rule, the Petitioner has no lien over the post. Therefore, he is not a railway employee or a railway servant. The Principal Bench of Central Administrative Tribunal, Delhi has observed that *"after acquisition of temporary status by a Bungalow Peon, his service can be terminated on the ground of even unsatisfactory work without holding departmental enquiry"*. Therefore, in the case of the Petitioner, no departmental enquiry is required. Departmental enquiry is not required as per the service condition of the Petitioner and his services were terminated for want of continuance of post. Since the service of the Petitioner is temporary in nature, he has no right over the post. The Petitioner is not a regular employee. His nature of employment is to attend the officer at the residence as well during his hours of employment. The termination of the service of Bungalow Peon who has acquired temporary status is not bad or illegal for want of notice before termination. The Petitioner was paid retrenchment compensation towards notice period pay of Rs. 4,632 and an amount of Rs. 9,265 towards retrenchment compensation in accordance with Section 25F of Industrial Disputes Act, 1947. Therefore, the discharge of the Petitioner from service is justified and the Petitioner is not entitled to any relief under Industrial Disputes Act. Under such circumstances, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the petition with cost.

4. When the matter was taken up for enquiry, no one has been examined as a witness on either side. By the consent of the counsel on either side, documents filed on either side have been marked as Ex. W1 to W27 and M1 to M3 respectively. The learned counsel on either side

have advanced their respective arguments.

5. The point for my consideration is :—

"Whether the action of the CSTE, Construction, Southern Railway in terminating the services of Sri M. Senthil Kumar with effect from 13-03-2000 is justified? If not, to what relief is he entitled?"

Point :—

It is admitted that the Petitioner Sri M. Senthil Kumar has sent a written requisition dated 9-3-96 to the Chief Workshop Manager, Southern Railway Chennai requesting him to post him as a Bungalow Peon. The xerox copy of the same is Ex. W1. It is also admitted that on the basis of the medical classification for engagement of substitute Bungalow Lascar, the Chief Personnel Officer of Headquarters Office, Personnel Branch, Madras, sent a communication dated 30-5-96 to the office of the Chief Workshop Manager, Signal & Telecommunication S & T Workshop, Podanur as a reply to their letter dated 22-5-96 informing them that the Petitioner, who is fit in C2 medical classification be engaged as a substitute Bungalow Lascar to Chief Workshop Manager, Signal & Telecommunication, Podanur. The xerox copy of that letter is Ex. W2. Subsequently, the Petitioner was offered an employment as a substitute Bungalow Lascar to CWM/S & T of Podanur by a letter dated 1-6-96. The xerox copy of that letter is Ex. W3. It is seen from Ex. W3 that the said offer for employment to the Petitioner was made by the Office of the Chief Workshop Manager, Signal & Telecommunication/Workshop, Podanur on the basis of approval of the Chief Personnel Officer, Headquarters Office, Personnel Branch, Madras through his letter dated 24-4-96 and 30-05-96 under Ex. W2. From all these documents, it is seen that the Petitioner was medically examined by the medical authority and was found fit for C2 category post and only after that, the Petitioner, as a sponsored candidate by Sri B. Krishnakumar, Chief Workshop Manager, Podanur for the post of Bungalow Peon was offered that employment under Ex. W3. The option given by the concerned officer to employ the Petitioner as a Bungalow Peon has been approved by the competent authority and hence, it cannot be considered to be a personal appointment made by the concerned officer as he was not the ultimate appointing authority for the Petitioner as Bungalow Lascar.

6. The learned counsel for the I Party/Workman the Petitioner herein, has argued that the officer under whom the Petitioner was initially employed as a Bungalow Lascar wanted the Petitioner also to be transferred to Chennai, when he was transferred to Chennai. Accordingly, an office order dated 27-2-98 was passed and the xerox copy of the order is Ex. W8. Prior to that, the officer who came on promotional transfer in the place of Sri B. Krishnakumar has given an intimation dated 27-2-98

stating that he intends to bring his Bungalow Lascar to Podanur on his promotional transfer, so the Bungalow Peon, the Petitioner herein attached to Sri B. Krishnakumar may also be transferred to Madras. The xerox copy of that communication is Ex. W8. Accordingly, the Petitioner was also got a transfer from Podanur to Chennai along with his officer Sri B. Krishnakumar. It is his further argument that when the Petitioner was working at Chennai another lady by name Shanthi was employed by the said officer to assist the wife of the officer in her personal work and at the request of that lady to give her husband the Bungalow Lascar post, the said officer also intended to stop the Petitioner from the employment and started giving problem to terminate the service of the Petitioner and the concerned officer had gone to the extent of complaining that the Petitioner is not a normal person and had issued a warning letter also to the Petitioner stating that the Petitioner had quarrelled with the maidservant in the house. The xerox copy of that warning letter is Ex. W11. He would further contend that when the Petitioner was on duty on 2-10-98 the pet dock of the officer has bitten the Petitioner for which the Petitioner had to take anti rabies vaccine. The xerox copy of the vaccination card dated 2-10-98 is Ex. W12. Further, a note dated 22-2-99 was issued by the officer directing the Petitioner for medical examination on the ground that on 19-2-99 he showed symptoms of deep depression uttering threats of committing suicide etc. In that note it is also mentioned that the Petitioner may be directed for psychiatric examination and to determine whether he can resume his duty as Bungalow Peon. Accordingly, the petitioner was examined by the Medical department of Southern Railway from 22-3-99. Ex. W14 is the xerox copy of the medical report and the Railway Doctor has certified that the Petitioner was fit to attend his duties on 18-3-99. A perusal of the medical report under Ex. W14 would show that no abnormal behaviour of the Petitioner has been found out by the Medical Officer during the period he was kept under observation and detailed assessment. The Doctor himself has recorded in the medical report that the patient who reports with his father denies all that is mentioned in the official letter. The Doctor, the Honorary Consultant Psychiatrist, to whom the Petitioner was referred has opined on examination that the Petitioner is psychologically fit to join duty. From this, it is evident that only to get rid of this Petitioner from employment and to provide that work to the husband of the servant-maid employed by the wife of the officer, these steps have taken purposely by the said officer. Hence, it is *mala fide* and the Petitioner has never behaved irregularly and had quarrelled with other Bungalow Peons in the colony as alleged by the officer in his memo dated 19-3-99. The xerox copy of the same is Ex. W16. Then the concerned officer without any reason has told the Petitioner suddenly on 13-2-2000 that he need not come to work from that day. The Petitioner was issued termination of service letter

dated 18-4-2000 informing him that the officer under whom he was engaged has decided to retrench him due to surrender of post Bungalow Peon and in view of the same, his services as Bungalow Peon are terminated w.e.f. 18-4-2000 and except that no reason has been given in that order itself. Hence, the impugned order is illegal and against the principles of natural justice. For the allegation of the concerned officer that the conduct of the Petitioner is not good and abnormal, no enquiry has been conducted to arrive at a conclusion to terminate the Petitioner from service. He would further contend that the termination of the Petitioner from service apart from *mala fide*, it is vindictive and unfair labour practice. The exhibits filed on the side of the Petitioner would show that there is motive for the Respondent to terminate the services of the Petitioner. It is also his contention that juniors in service to this Petitioner still working in the office of the Respondent and the provision under section 25G of the Industrial Disputes Act has not been followed by the Respondent for implementing the procedure that the 'last come—first go'. Hence, the order is bad in law. Further, the Respondent has failed to comply with the provisions of Section 25N of the Industrial Disputes Act and therefore, the termination order is illegal and unfair labour practice.

7 The learned counsel for the Respondent would contend that the post of Bungalow Lascar is the choice post and on the recommendation of the officer only the appointment is made and it is not governed by normal recruitment rules and the service of the Petitioner in the post is purely temporary and contractual in nature and in the appointment order itself, it was clearly instructed that his service may be terminated at any time without any notice or if found unsatisfactory or in the case of officer not requiring his service or for want of post. For which, the learned counsel for the Respondent relied upon letters of the respondent dated 4-6-77, 11-03-87. The xerox copies of those letters are Ex. M2 and M3. He would further contend that the Petitioner is not a workman as defined under Section 2F of the Industrial Disputes Act, because, the place of work of the Petitioner is the residence of the officer, which is not an 'industry'. Even though, the Petitioner has been issued with an appointment order, he cannot be construed as a workman and therefore, the provisions of the Industrial Disputes Act cannot be invoked by the Petitioner. It is his further contention that though initially the Petitioner's service was satisfactory, the same was deteriorated in the course of time and his service was found to be unsatisfactory and further due to his irrational behaviour he was directed for medical examination and was kept under medical observation by Senior D M O for quite some period and subsequent to his resuming duty on 19-3-99, he was issued a memo calling for explanation for irrational behaviour and the Petitioner failed to give any explanation and due to the unsatisfactory work and the service of the Petitioner were no longer required by the officer, and on his surrender of

that post, the Petitioner was terminated from service w.e.f. 18-4-2000. Even though the Petitioner is not a workman, the provisions of Industrial Disputes Act, 1947 has been invoked and retrenchment compensation was paid as per Section 25F of the Industrial Disputes Act. He would further contend that the appointment of Bungalow Lascar is not governed by normal recruitment rules because the post occupied by the Petitioner is temporary, contractual in nature and choice post and therefore, the 'last come—first go' principle is not applicable, as per the provisions under Section 25G of the Industrial Disputes Act, 1947 and the Petitioner's service is governed according to the conditions stipulated in the appointment order. He would further contend that as per para 1502 (1) of Indian Railways Establishment Manual Vol. I when a person without a lien on a permanent post under Govt. is appointed to hold a temporary post or to officiate in a permanent post is entitled to no notice of termination of his service. As per the above rule, the Petitioner has no lien over the post, therefore, he is not a railway employee or railway servant. As per the decisions of the Courts, the service of the temporary employee, who have no lien over the post, can be terminated without assigning any reason, in terms of appointment order and it will not amount to retrenchment and Article 311 of Constitution is not attracted. Hence, the action of CSTE/construction/Southern Railway in terminating the services of the Petitioner is justified.

8. A perusal of the documents filed on either side would clearly show that the argument advanced by the learned counsel for the Respondent cannot be accepted as correct. Ex. W4 is the office order dated 1-6-96 for engagement of the Petitioner as substitute Bungalow Lascar referred to the approval given by the competent authority subject to all the terms and conditions stipulated in letters dated 4-5-77 and 11-3-87. From this, it is evident that it is not an appointment made personally by the concerned officer Sri B. Krishnakumar in his personal capacity. On the other hand, it is an office order passed by the office of Chief Workshop Manager, Signal & Telecommunication/workshop Podanur, on the approval given by the competent authority. That two letters referred to in Ex. W4 are Ex. M2 and M3. Under these two letters, the requisite qualification for the person to be appointed as a Bungalow Lascar has been clearly mentioned. It is mentioned therein that such appointment will be given after passing of the prescribed medical examination and those employed as Bungalow Lascars will be eligible for regular absorption as Lascars after three years continuous service either in open line or construction and that if the officers concerned have not required such persons in the Bungalow due to transfer or by the successors, they should be transferred as Lascars only in offices against existing class IV vacancies and will seek further avenue along with office peons. It is further mentioned in Ex. M3 letter that a Bungalow Lascar becomes eligible for absorption in regular service only after he completes three years service

and after reviewing the instructions and with the approval of the General Manager, it has been decided that Bungalow Lascars who have completed one year service may be considered for absorption in regular service as office peons etc. From these, it can be concluded that though it is mentioned in the appointment order Ex. W3 that it may not confer on the Petitioner any claim for regular appointment, it cannot be termed as temporary appointment or contractual appointment as contended by the learned counsel for the Respondent. Further in Ex. W3 itself, it is mentioned that the engagement and further absorption is subject to all the terms and conditions stipulated in terms of letters dated 4-6-77 and 11-3-87, Ex. M2 and M3. Therefore, it cannot be contended that the Petitioner's appointment is only a choice appointment made by the concerned officer. On the other hand, from the materials available in this case, it can be concluded that it is a proper appointment made by the competent authority after following the procedure for such appointment, like subjecting the applicant for medical examination before offering him the appointment.

9 Ex. M1 is the xerox copy of the page 116 of Chapter XV of Indian Railway Establishment Manual Vol. I. Under this Chapter XV terms and conditions applicable to railway servants as substitute temporary servant have been given. The learned counsel for the Respondent in his argument has referred to the provisions in this Establishment Manual for his contention that the petitioner is not having a lien on permanent post and hence he is not entitled to any notice for termination of his service. On the other hand, by relying upon this terms and conditions under para 1501(I) it can be said that it is an admission on the Respondent side that the Petitioner has been recognised as temporary railway servant. Under para 1502, the procedure to be adopted has been envisaged when terminating the services of temporary railway servant. Under such circumstances, the contention of the learned counsel for the Respondent that the Petitioner cannot be considered as a workman, who can invoke the provisions of the Industrial Disputes Act is incorrect. Further, the exhibits filed on the side of the Petitioner as termination notice under Ex. W23 which provides for retrenchment compensation and the notice of retrenchment given by the employer to the Government under Clause C of Section 25F and the order of termination of the Petitioner from service dated 19-4-2000 issued by the Chief Signal and Telecommunication Engineer, Construction, go to show that the argument advanced by the learned counsel for the Respondent cannot be accepted as correct. Ex. W21 is the xerox copy of the pay bills issued to the Petitioner for the months of January, February and March, 2001, which has been issued by Southern Railway, Chennai. In these pay bills, the scale of pay of the Petitioner, next increment date and date of retirement has been given and the date of retirement has been shown as 31-10-2003. Further, it is seen from the pay bills that the deductions have been made

from the pay of the Petitioner Sri M. Senthil Kumar towards provident fund subscription, CGEIS etc. From all these documentary evidence, it cannot be said that the Petitioner employment is only a temporary one and one such Bungalow Lascar post is not a sanctioned post. As argued by the learned counsel by the Petitioner and it is seen from the termination order of the Petitioner issued by the Respondent, for the termination of the Petitioner from service, no reason has been given. Further, for that alleged acts of misconduct of the Petitioner that while he was in service had quarrelled with maid-servant, and behaved in an irrational manner, no charge memo has been issued to him and no enquiry has been conducted to find him guilty of those alleged misconducts. Therefore, as contended by the learned counsel for the Petitioner in his argument that the termination is not according to the provisions of law. Further, it is alleged in the Claim Statement itself that the concerned officer was intend to provide the Bungalow Lascar post of the Petitioner to the husband of the servant-maid employed by his wife and hence, the concerned officer has charged him at the later stage that the Petitioner is not a normal person and he is picking up quarrel with the servant-maid. This has not been denied by the respondent specifically in the counter statement. So the argument advanced by the learned counsel for the petitioner that the termination order was motivated by the concerned officer and it is mala fide, apart from it is vindictive and unfair labour practice has got some basis and can be accepted as correct. Further, as it is contended by the learned counsel for the Petitioner without conducting an enquiry, the termination of the service of the Petitioner by the Respondent through the impugned order is illegal and against the principles of natural justice.

10. The learned counsel for the Respondent has referred in his argument about the decisions of the Principal Bench of Central Administrative Tribunal in support of his contention that the Petitioner cannot claim any benefit under this Industrial Dispute. The facts and circumstances of the cases under which the Principal Bench of Central Administrative Tribunal has made those observations in that order is quite different to the facts and circumstances of this case. Hence, they are not applicable to the present case.

11. From the above discussions, it is seen that the action of the CSTE/Construction/Southern Railway in terminating the services of Sri M. Senthil Kumar is unjustified.

12. From the available materials. It is seen that the Petitioner was in continuous service under the Respondent as a Bungalow Lascar w.e.f. 1-6-96, till he was terminated from service w.e.f. 18-4-2000. As per the terms mentioned in Ex. M3, the Bungalow Lascar who have completed one year service may be considered for absorption in regular service as an office peon etc. No evidence worth credit

has been let in on the side of the Respondent to show that the Petitioner has got any disqualification from absorption to regular service. So under such circumstances, in view of Ex. M2 and M3 circulars, the Respondent can provide employment to the Petitioner either as a Bungalow Lascar or as an Office Peon, if not immediately for want of vacancy, in the next immediately arising vacancy for such post. Thus, the point is answered accordingly

13. In the result, an Award is passed holding that the Petitioner/Workman Sri M. Senthil Kumar is entitled to be reinstated in service and hence the Respondent is directed to reinstate the Petitioner Sri M. Senthil Kumar in service with continuity of service, back wages and all other benefits. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 13th March, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None

DOCUMENTS MARKED :

For the I Party/Workman :—

Ex. No.	Date	Description
W1	09-03-96	Xerox copy of the application submitted by the Petitioner to Chief Workshop Manager for the Post of Bungalow Peon
W2	30-05-96	Xerox copy of the letter of Chief Personnel Officer to CWM/S&T/PTJ regarding engagement of Sub bungalow lascar
W3	01-06-96	Xerox copy of the offer of appointment issued by the Management to the Petitioner.
W4	01-06-96	Xerox copy of the office order No 53/96 regarding Engagement of sub. bungalwo lascar.
W5	12-10-96	Xerox copy of the free pass issued by the Respondent to the Petitioner for his journey from Trivendrum to Jammu Tawi.
W6	25-03-97	Xerox copy of the free pass issued by the Respondent to the Petitioner for his journey from Kariyakumari.
W7	01-08-97	Xerox copy of the Medical card issued to the Petitioner by Respondent Card No. 042267.

W8	27-02-98	Xerox copy of the note of Chief Workshop Manager, regarding transfer of bungalow peon.	W23	18-04-2000	Xerox copy of the letter of Senior Signal & Telecommunication Engineer to the Petitioner intimating the termination of Petitioner from service.
W9	27-02-98	Xerox copy of the order of transfer issued to the Petitioner by Chief Workshop Manager.	W24	19-04-2000	Xerox copy of the order of termination issued by Chief Signal & Telecommunication Engineer.
W10	10-02-98	Xerox copy of the II Class free pass issued by Respondent to the Petitioner for his journey from Kanyakumar to Okha.	W25	03-04-2000	Xerox copy of the application of Petitioner to the Chief Personnel Officer for his absorption on Permanent basis.
W11	22-06-98	Xerox copy of the warning letter issued by CSTE/CN-II to the Petitioner.	W26	11-04-2000	Xerox copy of the letter of Petitioner to the Chief Personnel Officer for regularisation of his attendance.
W12	03-10-98	Xerox copy of the vaccination card of Petitioner.	W27	24-03-2000	Xerox copy of the representation of the Petitioner's Father to the Chief Personnel Officer, Chennai requesting transfer to the Petitioner.
W13	22-02-99	Xerox copy of the note of CSTE with regard to Medical examination of the Petitioner.	For the II Party/Management :—		
W14	23-02-99	Xerox copy of the prescription memo in respect of the Petitioner.	Ex. No.	Date	Description
W15	01-01-99	Xerox copy of the memorandum showing leave Credit particulars as on 1-1-99 of the staff of CSTE/CN/MAS.	M1	Nil	Xerox copy of Para 1502 (1) of IREM Vol. I.
W16	19-03-99	Xerox copy of the memo issued by CSTE/CN-II to the Petitioner calling for explanation for his misbehaviour.	M2	04-06-97	Xerox copy of the letter of CPO/MAS regarding appointment and discharge of Bungalow Peon.
W17	22-02-99	Xerox copy of the II class Railway free pass issued by Respondent to the Petitioner for his journey from Tiruchendur to Jammu Tawi	M3	11-03-87	Xerox copy of the letter of CPO/MAS regarding appointment and discharge of Bungalow Peon.
W18	Nil	Xerox copy of the casual leave register in respect of Petitioner showing R.H. and casual leave at his Credit for the year 2000	नई दिल्ली, 19 मार्च, 2002		
W19	Nil	Xerox copy of the casual leave register in respect of Petitioner showing R.H. and casual leave at his credit for the year 1999.	का. आ. 1273.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मगध ग्रामीण बैंक, गया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० 2, धनबाद के पंचाट (संदर्भ संख्या 146 ऑफ 1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-3-2002 को प्राप्त हुआ था।		
W20	Nil	Xerox copy of the II Class residential card pass issued to the Petitioner.	[सं. एल-12012/93/97-आई.आर.(बी-1)] अजय कुमार, डेस्क अधिकारी		
W21	January to March, 2000	Xerox copy of the pay bill issued to the Petitioner.	New Delhi, the 19th March, 2002		
W22	17-04-2000	Xerox copy of the cheque for Rs. 16,658 issued by Respondent to the Petitioner	S.O. 1273.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 146		

of 1997) of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Magadh Gramin Bank, Gaya and their workman, which was received by the Central Government on 19-3-2002.

[No. L-12012/93/97-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act., 1947

REFERENCE NO. 146 of 1997

PARTIES : Employers in relation to the
management of Magadh Gramin Bank,
Gaya and their workman.

APPEARANCES :

On behalf of the Workman : Shri B. Prasad,
President,
Bihar Provincial
Gramin Bank
Employees Association

On behalf of the Employers : Shri S. Choudhury,
Sr. Manager

State : Jharkhand Industry : Banking

Dated, Dhanbad, the 28th February, 2002

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/93/97-I.R. (B) dated, the 12th December, 1997.

SCHEDULE

“Whether the action of the management of Magadh Gramin Bank, Gaya in terminating the workman Sh. Ram Niwas Singh w.e.f. 24-1-96 is legal and justified? If not, to what relief the said workman is entitled to?”

2. The case of the concerned workman according to the W.S. in brief is as follows :

The concerned workman in his W.S. submitted that he was appointed as a Messenger-cum-Sweeper by the management at Kapasia, P. S. Paraiya, Distt. Gaya with effect from 30-12-88 at daily wages of Rs. 2. He submitted that to perform his duties he had to attend his office at Kapasia branch from 10.00 A.M. To 5 P.M. and in course of discharge of his duties as Messenger-cum-Sweeper he

had to undertake different works under direction of the management namely Sweeping of Bank premises, serving drinking water, tea, snacks etc. to Branch Manager, valuable customers, visiting officials i.e. Inspectors, Area Managers, General Manager and Chairman, bringing all banks's records before the Branch Manager for working and keeping the same at proper place. After work he submitted that in course of his work there he submitted several representations before the management for regularisation of his service as he worked continuously for more than 240 days in each calendar year but the management did not pay any heed to his representations. All of a sudden on the contrary the management discharged him from his normal duties on 24-1-96 without giving any notice. Accordingly the concerned workman raised an industrial dispute before the ALC(C) for conciliation proceeding which ultimately resulted in reference to this Tribunal. The concerned workman accordingly has prayed for passing an Award directing the management to reinstate him with full back wages and regularise him in service.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in their W.S. The management submitted that the concerned workman was never appointed to the post of Messenger-cum-Sweeper at Kapasia branch by any order. The management also denied the fact that the concerned workman performed all the duties which he disclosed in his W.S. under direction of the management. They further submitted that as the concerned workman was never appointed or engaged by the management in any form of Messenger-cum-Sweeper or on daily wage basis so his request for his regularisation in service and his claim for working more than 240 days was nothing but a concocted story. Accordingly the management submitted that the concerned workman is not entitled to get any relief which he has prayed for.

4 The points for consideration in this reference are :

“Whether the action of the management of Magadh Gramin Bank, Gaya in terminating the workman Sh. Ram Niwas Singh w.e.f. 24-1-96 is legal and justified? If not, to what relief the workman is entitled to?”

DECISION WITH REASONS

5. The concerned workman in order to substantiate his claim examined himself as witness in the instant case in course of hearing while the management declined to adduce any evidence. On the contrary by filing a petition further relied on the facts which they have asserted in their W.S.-cum-rejoinder. WW-1 i.e. the concerned workman in course of evidence disclosed that he was engaged by the management at Kapasia branch of Magadh

Gramin Bank as Messenger-cum-Sweeper. He further submitted that in discharge of his duties he not only used to sweep the bank premises, but also used to hand over the bank registers to the staff after taking the same from the almirah and also to used to keep them in his almirah after working. He also used to carry dak to the post office and also used to supply drinking water to the staff. As part of his duties he also used to stitch the vouchers. He submitted that all these duties he had to perform during office hours from 8.30 A.M. to 5.30 P.M. He submitted that he was employed by the said bank under direction of the management. He further submitted that he worked there from 30-12-88 to 23-1-96 and worked for more than 240 days in each calendar year during this period. He further submitted that he was removed from his employment with effect from 24-1-96. He alleged that inspite of rendering all services to the management the management did not enhance his wages but all along paid him Rs. 2. per day till the date of his discharge from service. He disclosed that before his removal from employment the management neither issued any notice nor paid any compensation. Accordingly he submitted several representations before management for his reinstatement and regularisation of his service but the management did not pay any importance to his representation. In support of his claim the concerned workman relied on relevant papers marked as Ext. W-1 to W-6. In course of hearing representative of the concerned workman relying on documents marked as Ext. W-2 submitted that the concerned workman not only made his representation before the management but also his representation was duly forwarded by the Branch Manager of Kapasia Branch admitting the facts of his rendering service as a Messenger-cum-Sweeper since the period from the date of his joining till the date of his discharge. He also submitted other representation in support of his claim. The witness i.e. the concerned workman was not cross-examined by the management inspite of his getting opportunity after his examination in chief. On the contrary the representative of the management submitted that the concerned workman was never engaged by the management as Messenger-cum-Sweeper at Kapasia Branch. The concerned workman in course of hearing relied on the recommendation of the Branch Manager which he made in his representation. The said recommendation during evidence was marked as Ext. W-2/2. I have considered the recommendation of the Branch Manager which clearly exposed that the concerned workman worked under the management with effect from 30-12-88 till 23-1-96 regularly. The management did not consider necessary to examine the Branch Manager who recommended the case of the concerned workman in course of hearing in order to rebut the claim of the concerned workman. Therefore, there is sufficient reason to believe that the concerned workman worked at Kapasia Branch under the management from

30-12-88 to 23-1-96. Now question is under which capacity the concerned workman worked under the management for such long years. It is not expected that until and unless any person is engaged he will be allowed to work under any establishment. There is sufficient reason to believe that no appointment letter was issued in writing in favour of the concerned workman. He worked there on the basis of the direction given to him orally. It is further seen against rendering his service the management used to pay him Rs. 2 per day as his wages from the date of his joining till the date of his discharge from service. The said payment was made from the Banks exchequer. It is not the case of the management that the concerned workman was engaged absolutely on contract basis to perform a particular job. The concerned workman during his evidence specifically submitted that he worked under the management at Kapasia branch from 10.00 A.M. to 5.00 P.M. It shows therefore clearly that he had to render his service all throughout office hours every day. It has been further claimed by the concerned workman that in discharge of his duties not only he used to sweep the Bank's premises but also used to carry daks to post office and also had to undertake other works which he specifically mentioned in course of his evidence and in his W.S. It is the specific claim of the concerned workman that he worked for more than 240 days in each calendar year during the period of his service under the management. The Branch Manager Kapasia could not be considered as competent person to rebut all such claim of the concerned workman but the management did not consider necessary to examine him as witness in the instant case. As such at this stage I find little scope to deny the claim of the concerned workman about his engagement as Messenger-cum-Sweeper under the management for the period which has already been mentioned above. It is the contention of the management that as the concerned workman was not appointed by the management he could not be consider as workman according to Section 2(OO) of the I.D. Act. It is now settle principle of law as per decision of different High Courts and Hon'ble Supreme Court that casual workers are also to be considered as workman. Had that not been so the Ministry of Labour, Govt. of India would not have referred this case for adjudication when conciliation proceeding failed before the ALC (C). Therefore the argument extended by the representative of the management finds no basis at all in relation to the claim that the concerned workman is not a workman under Section 2(OO) of the I.D. Act. In view of my discussion above it is clear that the concerned workman worked under the management for the period mentioned above as Sweeper-cum-Messenger at a daily wages of Rs. 2. per day. Facts and circumstances have exposed clearly that appointment of the concerned workman was casual in nature. Management inspite of getting ample opportunity has failed to produce a single scrap of paper

to rebut the claim of the concerned workman that he did not work more than 240 days in each calendar year during the period in question. On the contrary endorsement of the Branch Manager Kapasia Branch has substantiated the claim of the concerned workman. Accordingly it was mandatory on the part of the Management to give notice to the concerned workman under Section 25F of the I.D. Act., 1947 but the management in spite of keeping knowledge of the mandatory provision of law discharged him from his service as casual worker. In the decisions reported in 2001 LAB I.C. 2220, 2001 Lab IC 2243 2001-II-LLJ, P 1610. Their Lordships of the Hon'ble Calcutta High Court, Delhi High Court and Punjab and Haryana High Court observed clearly that termination of casual workmen from service without complying with the provision of Section 25F of the I.D. Act was improper and for which he is entitled to reinstatement. On the contrary the management relying on the decision passed by CGIT No. 1, Dhanbad in Ref. No. 338/86 which subsequently was affirmed by the Hon'ble High Court, Patna Ranchi Bench in disposing of CWJC No. 1987(R) submitted that the case of the concerned workman can not be taken up for consideration in any manner. On the contrary representative of the concerned workman submitted that subsequent to the said Award passed by CGIT No. 1, Dhanbad. The Hon'ble Apex Court over several disputes of like nature suggested that a reference of the dispute may be made by the Govt. to national Tribunal presided over by a Retired Chief Justice to consider all dispute raised by RRB employees. Accordingly, the Govt. of India by its notification No. 235 dtd. 26-11-87 published in the Gazette of India referred the dispute arising out of the Writ Petition to the National Tribunal set up specially for disposing of all the issues raised by RRB employees. The said Tribunal was headed by the Chairman, Mr. Justice S. Obul Reddy. After hearing the RRB employees and respondents learned Presiding Officer of the National Tribunal passed the Award on 30-4-90 in connection with reference 1 of 1988. In paras 4.407, 4.408 and 4.420 the Hon'ble Judge of the National Tribunal clearly observed the following :—

Para 4.407

The case *Dhirendra Chamoli and another Vs. State of UP* (1986)(1) SCC 637 was one where the employees in the service of different Nehru Yuvak Kendras appointed on daily wages asked for parity in scales of pay and conditions of service with Class IV employees in the Government. Their complaint was that there were number of persons who were engaged by their Kendra as casual workers on daily wages, though they were doing the same work as those of Class IV employees appointed on regular basis. The defence was that the Kendras were started at different places in the country as temporary ones and that they have not been made permanent and there were no sanctioned posts of Class IV employees and therefore they

were engaged by different Kendra as Class IV employees on daily wages basis. The contention of the Government was repelled by the learned Judges by observing that —

“The fact that these employees accepted employment with full knowledge that they will be paid only daily wages and they will not get the same salary and conditions of service as other Class IV employees, cannot provide an escape to this Central Government to avoid the mandate of equality enshrined in Article 14 of the Constitution. This article declares, that there shall be equality before law and equal protection of the law and implicit in it is the further principle that there must be equal pay for work of equal value. These employees who are in the service of the different Nehru Yuvak Kendras in the country and who are admittedly performing the same duties as class IV employees, must therefore get the same salary and conditions of service as Class IV employees. It makes no difference whether they are appointed in sanctioned posts or not. So long as they are performing the same duties, they must receive the same salary and conditions of service as Class IV employees.”

Para 4.408

The Supreme Court referred to the above case and followed it in the case of *Daily Rated Casual Labour employed under P & T Department through Hartiya Dak Tar Mazdoor Manch Vs. Union of India & Others* (AIR 1987 SC 2342). That was a case whether the petitioners were working as daily rated casual labour in the postal and telegraph department. The daily rated casual labour included three broad categories of workers namely unskilled, semi-skilled and skilled. The main complaint of the petitioners in that case is identical with the complaint of the petitioners (part time messengers) before me that they have been working for the last 10 years as casual part time sweepers. In the above case the principal complaint of the petitioners was that even though many of them had been working for the last ten years as casual labours, the wages paid to them were very low and far less than the salary and allowances paid to the regular employees of the Posts and Telegraph Department belonging to each of the categories referred to above and that no scheme had been prepared by the Union of India to absorb them regularly in its service and consequently they had been denied the benefits such as increments, pension, leave facilities etc. which were enjoyed by those who had been recruited regularly. The respondents therein contended *inter alia* since the petitioners belong to the category of casual labour and were not being regularly employed, they were not entitled to the same privileges which the regular employees were enjoying. The Supreme Court repelled the contention of the respondent-Government and followed its earlier decision in *Dhirendra Chamoli Vs. State of U.P.* The learned Judges therefore

directed the Union of India and other respondents to pay wages to the workmen who were employed as casual labour belonging to several categories of employees in the Postal and Telegraph Department as the rates equivalent to the minimum pay in the pay scales of the regularly employed workers in the corresponding cadres.

Para 4.428

So far as the equation of posts and the consequent fixation of the new scales of pay, allowances and other benefits for officer and other employees of the RRBs on par with the officers and other employees of comparable level in corresponding posts in sponsor banks in corresponding posts of comparable level it is a matter which has to be decided by the Central Government in consultation with such authorities as it may consider necessary. This will also include the pay scales, benefits, other allowances and fitment of sub-staff of the RRBs with the sub-staff of sponsor banks. This Award is accordingly passed and it shall cover all the existing RRBs. The Award shall be given effect to from 1st day of September, 1987.

On the basis of that Award NABARD issued a circular dated 20-3-99 wherein it has been clearly observed the following :—

“If a problem of regularisation of the part time messenger-cum-sweepers in the absence of proper records is appreciated. It is therefore decided that all those employees in sub-staff cadre who were in the service of the RRB as on 22nd February 1991 (the date on which GOI had notified acceptance of NIT Award read with the Equation Committee Report) and who have completed 240 days of continuous service after that date may be treated as regular employees of RRBs with effect from 22-2-1991. It is however, decided that in respect of employees whose cases have already been settled/regularised prior to that date need not be reopened.”

It is seen clearly that the concerned workman was under employment under the management with effect from 30-12-88 to 23-1-96. It is the clear claim of the concerned workman that during this period he worked continuously for more than 240 days in each calendar year and also performed his duties continuously from 10.00 A.M. to 5.00 P.M. every day. As no sufficient material on the part of the management is forthcoming before this Tribunal to rebut the claim of the concerned workman there is no reason to disbelieve his claim. The decisions of the NIT and thereafter consequent to that decision Circular issued by the NABARD shows clearly that the casual employees of RRB were entitled to be regularised subject to the condition that they completed more than 240 days of work in each calendar year as on 22-2-91. As the concerned workman was in employment long before this stipulated date and also as he completed

continuous service of more than 240 days in a year his claim definitely could not be ignored by the management though it is seen that the management inspite of receiving different representations from the concerned workman ignored his claim without assigning any reason particularly when it has been established from the endorsement made by the BM in Ext. W-2/1 that the concerned workman worked continuously at Kapasia Branch under the management during the period mentioned above case a casual worker and for which the management paid him wages @ Rs. 2/- per day. Considering all aspects there is sufficient reason to believe that the management arbitrarily and illegally violating the principles of natural justice ignored the claim of the concerned workman though he fulfilled the criteria for getting himself regularised in the service of the Messenger-cum-Sweeper in view of the Award passed by NIT and also in view of the circular issued by the NABARD. Accordingly after careful consideration of all the facts and circumstances I hold that the management's refusal to regularise the services of the concerned workman as Messenger-cum-Sweeper was illegal, arbitrary and against the principles of natural justice, particularly when there is no evidence to the effect that there was regular Messenger-cum-Sweeper posted in the said branch during the period in question.

In the result, the following Award is rendered :—

“The action of the management of Magadh Gramin Bank, Gaya in terminating the workman Sh Ram Niwas Singh w.e.f. 24-1-96 is not justified. Consequently, the management to reinstate him to his original post and to regularise his services as Messenger-cum-Sweeper from the date of his termination. However, the concerned workman will not be entitled to get any back wages.”

B. BISWAS, Presiding Officer.

नई दिल्ली, 19 मार्च, 2002

का. आ. 1274.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ टोक्यो लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकाता के पंचाट (संदर्भ संख्या 18 ऑफ 1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-3-2002 को प्राप्त हुआ था।

[सं. एल-12012/165/91-आई.आर.(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th March, 2002

S.O. 1274.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 18 of 1991), of the Central Government Industrial Tribunal Kolkata as shown in the annexure in the Industrial Dispute

between the employers in relation to the management of Bank of Tokyo Ltd., and their workman, which was received by the Central Government on 19-3-2002.

[No. L-12012/165/91-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 18 of 1991

Parties : Employers in relation to the management of
Bank of Tokyo Limited

AND

Their workmen,

Present : Mr. Justice Bharat Prasad Sharma

..... Presiding Officer

Appearance :

On behalf of : Mr. D. Mukherjee, Advocate
Management

On behalf of : Mr. R. Chattopadhyay, Member of the
Workmen Central Committee of the Bank
Employees' Federation of India.

State : West Bengal

Industry : Banking

Dated : 11th March, 2002

AWARD

By Order No. L-12012/165/91-I R.(B-III) dated 18-06-1991 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of the Bank of Tokyo Ltd., Calcutta, in terminating the service of Shri Tarun Tapan Das, part-time Computer Operator, w.c.f. 12-3-90 is legal and justified? If not, to what relief he is entitled to ?”

2 The case was called out today, but none of the parties respond. It appears that on 15-01-1992 when the matter was called out the Tribunal was informed by the representative of the union that a writ petition under Article 226 of the Constitution of India was filed before the Hon'ble Calcutta High Court and the Hon'ble High Court had passed an order allowing the writ petition. It also appears that the representative has produced a copy of the order dated 12th December, 1991 passed by Hon'ble Mr. Justice S. Chatterjee of the Hon'ble Calcutta High Court. However, the then Presiding Officer of this Tribunal has observed that the copy is not certified and also not authenticated copy or xerox copy, but, however, there were no dispute or doubt about the order passed. In

this view of the matter, the then Presiding Officer directed the office to send it to the Registrar of the High Court for placing the same before the Hon'ble Judge for ascertaining how such a copy has been produced. Accordingly, the matter was left pending at this stage, but since then no reply was received from the Registrar of the Hon'ble High Court and when the matter was put up before me on 19-7-2001, I directed the office to write to the Registrar of the High Court in this regard and also to issue notices to the parties to clarify the position. Thereafter, on 28-08-2001 the representative of the union appeared and submitted that order in question was passed by the Single Bench of the Hon'ble High Court of Calcutta quashing the present reference, but appeal was preferred to the Division Bench and he has no knowledge as to what has happened in the appeal and, therefore, he was directed to furnish the details by the next date i.e., 07-11-2001. On that date the representative of the management appeared, but he did not clarify the position. Accordingly, the representative of the workman was directed to inform the Tribunal about the latest position. Since thereafter on two previous dates i.e. on 10-12-2001 and 17-01-2002 no one appeared and today also none of the parties is present. It appears from the copy of the order filed on behalf of the management on 17-01-1992 that the extract of the order dated 12th December, 1991 was issued under the signature of the Assistant Registrar of the Hon'ble High Court of Calcutta.

3. In this view of the matter, I do not think absolutely any necessity to verify the authenticity of the paper filed when the other side has also not raised any objection as it appears from the order dated 15-01-1992 itself. It appears that the representative of the union had earlier said that an appeal before a Division Bench of the Hon'ble High Court was filed against this order, but no intimation has been received by this Tribunal uptill now in this regard. Therefore, it is clear that the order of the Single Bench of the Hon'ble High Court passed on 12th December, 1991 has not been disturbed, nor any such order has been passed by the Division Bench uptill now. Parties are also not taking any interest for the last several dates which clearly indicates that they have no interest left in the matter.

4. In this view of the matter, it becomes clear that the reference in question stands quashed and the order of the Hon'ble High Court dated 12th December, 1991 has to be treated as final and there does not appear to be any necessity to keep the matter pending any further. It, therefore, appears to be a case of “No Dispute”.

5 Accordingly, a “No Dispute” Award is passed and the reference is disposed of.

Dated, Kolkata, the 11th March, 2002

B.P. SHARMA, Presiding Officer

नई दिल्ली, 18 मार्च, 2002

का. आ. 1275.— औद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 358/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-2002 को प्राप्त हुआ था।

[सं. एल-40012/303/2000-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 18th March, 2002

S.O. 1275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref No. 358/2000) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Deptt. and their workman, which was received by the Central Government on 18-3-2002

[No. L-40012/303/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M GOEL, PRESIDING OFFICER,
CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 358 of 2000

Sh. Sukhdev Singh. Ex. Lorry Driver.
Vill & P O. : Sarore.
Teh. Bishnaha,
Jammu-181123

..... Petitioner.

Vs

The Divisional Engineer,
Telecom. Project. Zan Talab,
Exchange Building.
Jammu-181123.

..... Respondent

REPRESENTATIVES

For the Workman . . . None
For the Management . . . None

AWARD

(Passed on 15-2-2002)

The Central Govt. Ministry of Labour vide Notification No. 40012/303/2000/IR(DU) dated 25/9/2000 has referred the following dispute to this Tribunal for adjudication .

“Whether the action of the management of Telecom. Deptt., represented by Divisional Engineer, Telecom. Project, Jammu in converting

107262/02-23

services of Sh. Sukhdev Singh, Lorry Driver as contract labour w.e.f. August 1987 and later on terminating his services w.e.f. 17-12-99 is just and legal? If not, to what relief the workman is entitled and from which date ?”

2. None appeared on behalf of the parties despite notice. It appears that parties is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed.

Chandigarh.

S. M. GOEL, Presiding Officer

Dated : 15-2-2002

नई दिल्ली, 18 मार्च, 2002

का. आ. 1276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 377/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-03-2002 को प्राप्त हुआ था।

[सं. एल-40012/309/2000-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 18th March, 2002

S.O. 1276.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 377/2000) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 18-03-2002

[No. L-40012/309/2000-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM
LABOUR COURT, CHANDIGARH

Case No. ID 377 of 2000

Sh. Murli Mishra S/o Sh. Dharshi Parasad,
H No 186, Mauli Complex, Mauli Jagran,
Chandigarh-160001

..... Petitioner

Vs.

1. The Chief General Manager, Telecom
Punjab Circle, Sector 34,
Chandigarh-160001
2. The Principal General Manager,
Telecom. Sector-18, Chandigarh-160001.

..... Respondent

REPRESENTATIVES

For the Workman . . . None
For the Management . . . G.C. bbar

AWARD

(Passed on 26th February, 2002)

The Central Govt. Ministry of Labour vide Notification No. 40012/309/2000/IR(DU) dated 25th September 2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of D/o Telecom, Chandigarh in terminating the services of Sh. Murli Mishra S/o Sh. Dharshi Prasad w.e.f. 27-2-99 is just and legal ? If not, to what relief the workman is entitled ?”

2. None appeared on behalf of the workman despite notice. It appears that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed.

Chandigarh. S. M. GOEL, Presiding Officer
Dated : 26/2/2002

नई दिल्ली, 18 मार्च, 2002

का. आ. 1277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 404/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-03-2002 को प्राप्त हुआ था।

[सं. एल-40012/346/2000-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 18th March, 2002

S.O. 1277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 404/2000) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 18-03-2002.

[No. L-40012/346/2000-IR(D U)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. 404 of 2000

Sh. Balwan Singh
C/o Sh. R. K. Sharma, H. No. 372,
Sector 26-A, Chandigarh-160001

..... Petitioner.

Vs.

1. The Chief General Manager, Telecom.
Punjab Circle, Sector 34,
Chandigarh-160001
2. The Principal General Manager,
Telecom. Sector-18, Chandigarh-160001.

.....Respondent

REPRESENTATIVES

For the Workman : None

For the Management : Sh. G. C. Babbar

AWARD

(Passed on 26th February, 2002)

The Central Govt. Ministry of Labour vide Notification No. L 40012/346/2000/IR(DU) dated 28th September, 2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of Chief General Manager, Telecom, Punjab Circle, Chandigarh and the Principal General Manager, Telecom, Chandigarh Distt. in ordering disengagement/termination of services of Sh. Balwan Singh a workman engaged through contractor Sh. R. K. Mittal w.e.f. 27-2-99 is just and legal ? If not, to what relief the workman is entitled and from which date ?”

2. None appeared on behalf of the workman despite notice. It appears that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed.

Chandigarh. S. M. GOEL, Presiding Officer
Dated : 26-2-2002

नई दिल्ली, 18 मार्च, 2002

का. आ. 1278.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑर्डनेन्स फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/1/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-03-2002 को प्राप्त हुआ था।

[सं. एल-14012/44/93-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 18th March, 2002

S.O. 1278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/1/95) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers

in relation to the management of Ordnance Factory and their workman, which was received by the Central Government on 18-03-2002.

[No. L-14012/44/93-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

CASE NO. CGIT/LC/R/1/95

PRESIDING OFFICER : SHRI K. M. RAI

Shri Shyam Narayan Mishra,
Qr. No. R/Type-25/300,
Ordnance Factory Estate,
Katni.

.....Applicant

Versus

The General Manager,
Ordnance Factory,
Jabalpur

.....Non-applicant

AWARD

(Passed on this 22nd day of February, 2002)

1. The Government of India, Ministry of Labour vide order No. L-14012/44/93-IR(DU) dated 28-12-94 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Ordnance Factory, Katni, in compulsorily retiring the workman Shri Shyam Narayan Mishra, Examiner Trade ticket No. 202/1642 vide order dated 31-10-92 is legal and justified ? If not, what relief the workman is entitled to ?”

2. The case for the workman is that he was employed as Examiner Trade in Ordnance Factory, Katni having ticket No. 202/1642 in the OA Section. He had actively participated in the Trade Union activities during the tenure of his service. Due to his Trade Union activities the management was annoyed and had decided to punish him somehow or other. On 10-1-92, he was suspended by the management on a false and frivolous charge of misconduct. On that day he was forcibly thrown out of the factory with the help of the security staff. The management issued a chargesheet for creating the scene of gross indiscipline under influence of alcohol and for abusing GM, Security Officer & DGM/A publicly at the main gate of the factory and GM office. He had never behaved in the manner stated in the chargesheet. After receiving the chargesheet he submitted his reply which was not accepted by the management. Later on the

management decided to hold the DE under the provisions of relevant rules. The Medical Officer of the Factory Hospital issued false medical certificate in respect to his being intoxicated under the influence of liquor. He had never consumed liquor as alleged by the management. The DE was not conducted in a just and fair manner. During the course of enquiry proceedings, he was assured by the management that he would be reinstated provided he admitted the charges framed against him. On this assurance he admitted the charge.

3. The workman further alleges that the Enquiry Officer did not supply him the copies of the relevant documents relied on by the management. Not a single charge was proved against him. For the same offence co-worker has been awarded lesser punishment and is still in service. In this way the management has shown discrimination in punishing him by way of compulsory retirement w.e.f. 31-10-92. He preferred an appeal against the order of management and the Appellate Authority too did not consider his defence properly and upheld the order of disciplinary authority. This order is absolutely illegal and deserves to be quashed. He is entitled to reinstatement with all back wages.

The case for the management is that on 10-1-92, at about 15-35 hours the workman along with other co-workers indulged himself in the act of gross misconduct/misbehaviour i.e. using abusive and unparliamentary language towards DGM/A, Ordnance Factory, Katni in his office. He tried to confine the DGM/A in the office forcibly closing the door of his room with the assistance of other two co-workers. The workman was chargesheeted for the alleged misconduct in respect to his said indiscipline act and he voluntarily admitted the commission of the same. The management did not accept the reply of the workman and decided to hold DE against him. The copy of the chargesheet and other relevant documents were supplied to him by the management. The Enquiry Officer, after considering the relevant material on record, held the charges proved against the workman. The copy of Enquiry Report was supplied to the workman. The Disciplinary Authority accepted the finding of Enquiry Officer and passed the order of compulsory retirement from service on 31-10-92. The workman preferred an appeal against the order of compulsory retirement and the Appellate Authority after considering his submissions, rejected the appeal in toto. The Disciplinary Authority rightly passed the order of compulsory retirement from service against the workman. The workman was several times censured and his increment was withheld in the year 1984 and 1987 for different misconduct. The order of compulsory retirement from service dated 31-10-92 does not suffer from any legal infirmity and therefore it does not require any interference. The DE was conducted in a just and fair manner. The workman is not entitled to any relief as claimed by him.

5. The following issues arise for decision in this case and my findings thereon are noted hereinafter :—

1. Whether the DE conducted against the workman is just and proper ?
2. Whether the management is required to lead evidence to prove the alleged misconduct of the workman ?
3. Whether the order of compulsory retirement from service passed by the management against the workman on 31-10-92 is proportionate in the circumstances of the case ?
4. Whether the workman is entitled to reinstatement with back wages ?

Relief and costs ?

6. Issues No. 1 & 2 : The departmental enquiry has been held to be just and proper by this tribunal on 21-6-99. In view of this finding the management is not required to lead any evidence to prove the alleged misconduct of the workman in the present case. Both these issues are answered accordingly.

7. Issues No. 3 & 4 :

It is an admitted fact that the workman was the office bearer of the recognised trade union at the time of occurrence in question. He had actively participated in trade union activities for furthering the genuine cause of workers of the Ordnance Factory at Katni. On the relevant day, in connection with the Trade Union activities, the workman was suspended by the management in respect to the commission of misconduct. Another co-worker Ram Bharose Yadav was also suspended by the management and subsequently during the course of enquiry proceedings on the assurance of the management, he accepted his guilt and lesser punishment was awarded against him. Thereafter Ram Bharose Yadav was given employment by the management. The management had also assured the workman to give him employment provided he confessed his guilt in the enquiry proceedings. On this very occurrence the workman admitted the alleged charges and thereafter he was compulsorily retired by the management. He was not given employment as had been done in the case of co-worker Ram Bharose Yadav. This action of the management amounts to discrimination in imposing penalty in respect to the same charges. Such action can hardly be justified in law. At the same time there is no evidence on record to show that the workman had actually used any physical force on any person on duty. In respect to the consumption of alcohol the assistant surgeon of the Government Hospital Katni has given a clear finding on 10-1-92 that the workman had not consumed alcohol on the relevant day when the alleged incident took place. Taking all these facts into consideration, the imposition of penalty of compulsory retirement from service of the workman

deserves to be quashed. This order is discriminatory and it does not stand to the test of law. The workman is therefore entitled to reinstatement. Issues No. 3 & 4 are answered accordingly.

8. Issue No. 5 : On the reasons stated above, the order of compulsory retirement from service passed by the management on 31-10-92 is hereby quashed. The workman shall be reinstated without back wages. The period of his absence from duty shall be treated as continuous service for the purposes of pensionary benefits only. He shall be reinstated on initial pay of examiner trade (skilled) the post which was being held by him at the time of passing the order of compulsory retirement.

9. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K.M RAI, Presiding Officer

नई दिल्ली, 18 मार्च, 2002

का. आ. 1279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 163/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-03-2002 को प्राप्त हुआ था।

[सं. एल-40012/6/2001-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 18th March, 2002

S.O. 1279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 163/2001) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Dept. and their workman, which was received by the Central Government on 18-03-2002.

[No. L-40012/6/2001-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I. D. 163 of 2001

Sh. Kamta Ram,
C/o Sh. R. K. Sharma, H.No 372,
Sector 20-A, Chandigarh-160001

... .. Petitioner

Vs

1. The Chief General Manager, Telecom,
Punjab Circle, Sector 34,
Chandigarh-160001

2. The Principal General Manager, Telecom.
Sector-18, Chandigarh-160001

.....Respondent

REPRESENTATIVES

For the Workman : None

For the Management : Sh. G. C Babbar

AWARD

(Passed on 26th February, 2002)

The Central Govt., Ministry of Labour vide Notification No L-40012/6/2001/IR(DU) dated 12-4-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of Chief General Manager, Telecom. Punjab Circle, Chandigarh and the Principal General Manager, Telecom, Chandigarh Distt. in ordering disengagement/termination of services of Sh. Kamta Ram, a workman engaged through contractor Sh. R. K. Mittal w e f 27-2-99 is just and legal ? If not, to what relief the workman is entitled and from which date ?”

2 None appeared on behalf of the workman despite notice. It appears that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed.

Chandigarh. S. M GOEL, Presiding Officer

Dated 26-2-2002

नई दिल्ली, 18 मार्च, 2002

का. आ. 1280.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ब्रह्मपुत्र बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, गुवाहाटी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-03-2002 को प्राप्त हुआ था।

[सं. एल-42012/90/2000-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 18th March, 2002

S.O. 1280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Guwahati as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Brahmaputra Board and their workman, which was received by the Central Government on 18-03-2002.

[No. L-42012/90/2000-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL : GUWAHATI :
ASSAM

REFERENCE NO. 19(C) OF 2000

PRESENT Shri K. Sarma, LL.B.

Presiding Officer,

Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between :

The Management of

Ex-Director, Nalbari Investigation

Division, Brahmaputra Board, Nalbari.

Vs.

Their workman Sri Anup Patgiri,

Narengi, Guwahati-26.

Date of Award : 12-2-2002.

AWARD

This industrial dispute has been referred to by the Govt of India, Ministry of Labour vide order No L-42012/90/2000/IR (DU) dt. 9-8-2000 under section 10 of the I D Act to adjudicate the dispute arising between the management of Brahmaputra Board represented by Ex-Director, Nalbari Investigation Division, and their workman Shri Anup Patgiri out of termination of his service from April, 1999. The referring authority has framed the following issue for the purpose of adjudicating the matter of controversy between the parties.

“Whether the action of the management by terminating the services of Sh. Anup Patgiri from April, 1999. is justified ? If not, to what relief the workman is entitled ?”

On receipt of reference, this tribunal has registered this case and issued notice to both the parties calling upon them to file their written statements/addl. written statements and documents, in response to which, both the parties have appeared and filed their written statements/addl. written statements and documents. The workman has examined himself as W W.1 and management has examined 4 witnesses in support of their respective contention.

After recording evidence of both the parties, I have heard the lengthy arguments advanced by the learned advocates for both the parties and perused the record and found as follows.

The workman's cases in brief is that the workman was engaged by the Executive Engineer of Nalbari Investigation Division, Nalbari which is an establishment under the Brahmaputra Board, in the year 1990 on wage basis and since then he has been working there till 1999. It is contended in his written statement that he has been performing his duties continuously to the satisfaction of

the authority concerned without any stigma on his part. It is also contended that his engagement was against a substantive vacant post but he has not been regularised by the management even after attainment of status of a temporary worker completing 240 days of work in a year. He has been making application to the authority concerned for regularisation of his service. But the authority concerned instead of regularising him has terminated him from his service in the month of April, 1999 without complying with provision of law laid down Sec. 25(F) of I.D. Act. The workman was neither served any notice of termination prior to one month of his termination nor one month wages as compensation was paid to him which are requirement of Sec. 25 (F) of I.D. Act. After termination, the workman has approached the authority concerned for his reinstatement and regularisation, but having failed to receive any relief from the authority, he has approached the concerned labour authority for settlement of the dispute on conciliation, and the labour authority also having failed to settle the matter on conciliation, has referred the matter to the appropriate Govt who has ultimately made this reference to this tribunal. The workman's grievances is that he was illegally terminated by the management without complying with necessary provision of law as referred to above nor initiating any disciplinary proceeding against him and as such, order of termination is apparently illegal and needs to be set aside in the interest of justice and he be reinstated as regular workman.

The management's case is that they have denied engagement of the workman in the year 1990 on wage basis as casual worker, but has admitted his engagement in aforesaid capacity in the year 1996 till his termination in the month of April, 1999. Another contention is that in the year 1990 the workman has not attained the age of 18 years which is sine qua non for entering into Govt. service as such his entry in the service, even on wages basis in the year 1990 is not tenable in law. Another contention is that although workman was engaged in the year 1996, but he was not allowed to work continuously till his termination but with break, if and when his service is required and as such workman can not claim that he has completed 240 days of work in a year for the purpose of acquiring status of a temporary workman and hence he is not entitled for regularisation even his engagement is admitted by the management since 1996.

The contention of management is that the management Brahmaputra Board is not an Industry within the meaning of Sec 2(J) of the I.D. Act and as such dispute raised by workman against the management is not maintainable and he is not entitled to any relief.

Workman has exhibited some certificate issued by the concerned officers under whom he was working such as Ext. 'D' is the certificate issued by Dinesh Ch. Barman, Executive Engineer, Nalbari Investigation Division,

Nalbari stating that workman has been working as casual labour since 1990, Ext. 'F' is another certificate issued by R. Panowar, another Executive Engineer who is M.W. 4 in the case stating that workman has been engaged as casual labour since 1990, Ext. 'C' is another certificate issued by S. Swargari, Junior Engineer stating the same fact as stated above. Ext. 'B' is the zerox copy of the application filed by the workman praying for regular appointment which has been forwarded by the concerned Executive Engineer to the appropriate authority for appropriate action. Ext. 'A' is the said forwarding note. Ext. 'G' is another application filed by the workman for same purpose which has also been forwarded by concerned engineer to the concerned authority.

The management, on the other hand, has also submitted some documents which are Ext. 1 to 32 copies of Muster Roll register maintained by the management for the muster roll worker where the workman has been shown as muster roll worker since 1996.

The learned advocate for the management has made his submission in the light of aforesaid materials on record that management is not an Industry and this dispute not maintainable and workman has not completed 240 days of work continuously since in the year 1996 and no step is required to be taken under section 25(F) of I.D. Act as said provision of law is not applicable in case of muster roll worker.

In view of the aforesaid submission made by learned advocate for the management, let us discuss the points one by one. The first and foremost contention is that Brahmaputra Board is not an Industry within the meaning of Sec. 2(J) of I.D. Act and the dispute is not maintainable. Section 2 (J) runs as follows : "Industry means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen."

Aforesaid definition of industry shows that establishment carrying out any business, trade, undertaking, manufacture, calling service, employment, Handicraft or industrial occupation can be termed as industry. It is not necessary that, an establishment to be brought under purview of industry it has to produce some industrial output through mechanical process and technical know-how. The main function of the Brahmaputra Board is to control flood and erosion of the river Brahmaputra and its tributaries. To accomplish the aforesaid task the Board has to carry out project in different areas by engaging manpower of their own employees or by applying technical method when required.

The Brahmaputra Board, for aforesaid purpose, has also engaged regular and casual workers and also technician. As the aforesaid nature of the function falls

within the definition of industry as defined in Sec. 2 (J) of the I.D. Act and as such it can easily be brought within the purview of Industry and dispute is maintainable.

Second point raised by the learned advocate for the management is that workman was not engaged in the year 1990 and he has not attained the age of 18 years at the relevant time, but he was 16 years at that time and as such his engagement since 1990 is false and concocted. But his engagement since 1996 till his termination has been categorically admitted by the management. On the other hand Ext. D, F.C, the certificates issued by the management witnesses have established that the workman has been working since 1990. But to rebut this certificates the management has examined Dinesh Ch. Barman, R. Panowar and S. Swargari, Junior Engineer as witness who have stated that they have mentioned the year 1990 out of mistake. But this explanation of management witness is not acceptable because all of them are responsible senior officer and such type of mistake on their part is not desirable. Moreover, their contention is that in the year 1990 the workman was 16 years of age as is established from his deposition before the tribunal and hence he is not entitled to entering into Govt. job. The engagement of workman in the year 1990 was casual worker, not of regular employee and age is not strictly applicable. Moreover, certificate issued by the management witness has clearly established that the workman was engaged in the year 1990. Be it what it may, if management's version is believed in toto that workman was not engaged in the year 1990, but in the year 1996, till workman can not be disentitled from regularisation. Because, apparently, in the year 1996 the workman was above 18 years of age and has completed 240 days of work in a year till his termination in the year 1999, April as he attains the status of temporary worker entitling him for regularisation. In view of this, his termination without following necessary procedure can not be said to be legal. Management's contention is that since 1996 the workman has been engaged with break and not continuously if and when his service is required and as such he can not be said to have completed 240 days of work. But law in this aspect is very much clear. It is not necessary that to obtain the status of temporary workman for the purpose of regularisation, a workman has to work for 240 days in a year without break. If he completes the aforesaid period of 240 days in a year with back, till he is entitled to regularisation as temporary worker. Secondly if a workman completes 240 days of work in a year even with break he attains the status of temporary workman and his termination without complying with Sec. 25(F) of the I.D. Act is illegal. It is held by the Apex Court in series of case regarding application of Sec. 25(F) of I.D. Act, even in case of casual worker. By documents annexure 2,3,4,5,6,7,8 etc. filed by the management, want to show that the workman was

engaged with break since 1996 which is no help to the management, in view of my aforesaid discussion on materials on record and relevant provision of law.

The point to be decided in this reference is whether the termination of the workman is justified or not. It is a settled position of law laid down by Apex Court that if a workman completes 240 days of work in a 12 calendar months equal entire to service for a year but it is to be deemed to continuous service even if interrupted. This position of law has been laid down by the Apex Court in *Digwadih Colliery-Vs-Workmen AIR 1966 SC. P. 75*. It is further to be noted that to satisfy this test under Section 25(B) of the I.D. Act, the workman needs not show that he has to work during all the period he has been in service of the employer for 240 days of work in a year. *Krishna Ram Nath-Vs-P.O. Labour Court 1970 SCC Vol. III. P. 67*. This aspect of law shows that if a workman works for 240 days in a year he shall be in continuous service under the employer for the purpose of getting benefit of Sec. 25(F) of I.D. Act in *Mohan Lal-Vs-Bharat Electricals 1981 SCC Vol. III. P. 225* the Apex Court has held that the retrenchment without complying with Sec. 25(F) of the I.D. Act would be void *ab initio*. Such action entitled to workmen to a declaration for continuous of service with back wages. In *Gammon's India Ltd.-Vs-Niranjan Das AIR 1984 SC. P. 500* the Apex Court has held that retrenchment without complying with provision of Sec. 25(F) of the I.D. Act is illegal and the workman is entitled to reinstatement with full back wages."

Aforesaid position of law and fact shows that the workman, even his service is calculated since 1996 till 1999 as casual worker, he has completed 240 days of work, may be with or without break, has attained the status of temporary workman and his termination without complying with Sec. 25(F) of I.D. Act is illegal. It appears from the materials on record that management has not given one month notice alongwith one month wages under Section 25(F) of I.D. Act to the workman nor any disciplinary proceeding was started against him consequence of which he was terminated from service and as such his termination is illegal.

The workman, on the other hand, by oral and documentary evidence has established that he has been engaged by the management as casual workman in the year 1990 and has been terminated without complying with necessary established by law. It is also established that he was terminated by the management without any reason and without any disciplinary proceeding. As already discussed above, if engagement of the workman in the year 1990 is not acceptable. Still he is entitled to regularisation continuing his service since 1996 which exceeds 240 days in a year with or without break.

In the light of my above discussion, I hold that at the time of termination, the workman has attained the status of temporary workman and his termination by the

management without any reason or without following procedure established by law is not justified and workman is entitled to reinstatement and regularisation. Accordingly, this reference is answered in favour of the workman with a direction to the management to reinstate the workman in a regular vacancy within 6 months from the date of this award. Prepare an award.

K. SARMA, Presiding Officer

नई दिल्ली, 20 मार्च, 2002

का. आ. 1281.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कमांडर वर्क्स इंजीनियर (ए एफ), एम.ई.एस. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 48/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-02 को प्राप्त हुआ था।

[सं. एल-14012/11/93-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 48/94) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Commander Works Engineer (AF), M.E.S. and their workman, which was received by the Central Government on 20-03-2002.

[No. L-14012/11/93-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM
LABOUR COURT, CHANDIGARH

Case No. ID 48/94 Sukhwinder Kumar S/o Sh. Amar
Nath, House No. 487/1, Namdar Kha
Road, Patiala

... Applicant

Versus

Commander Works Engineer
M.E.S., Chandigarh.

... Management

Appearances

For the workman Shri H.S. Diwana
For the management Shri I S Sidhu

AWARD

(Passed on 19-11-2001)

The Central Govt. vide gazette notification No. L-14012/11/93-IR(DU) dated 29-6-94 has referred the following dispute to this Tribunal for adjudication —

“Whether the action of the Commander Works Engineer (AF) M.E.S., Chandigarh in terminating the services of Sh. Sukhwinder Kumar, S/o Sh. Amar Nath w.e.f. 18-3-86 is justified? If not, what relief the concerned workman is entitled to?”

2. Applicant Sukhwinder Kumar filed claim statement stating therein that he was employed with the respondent as carpenter on 18-12-1985 and his services were terminated without any notice, retrenchment compensation and enquiry on 17-3-1986. He has claimed that number of juniors S/Shri Sukhdev Singh and Jasbir Singh etc. are still in service and thirteen mazdoor were employed in June 1994. He has prayed that workman may be reinstated in service with continuity of service and full backwage

3. The respondent in written statement has taken preliminary objection that respondent department is not an industry within the meaning of the I.D. Act, 1947. On merits it is admitted that workman was employed on casual basis as carpenter and his services were terminated on 17-3-1986. The applicant was offered alternative appointment as mazdoor on the condition that he has to confirm in writing to accept the lower category with character certificate issued by two gazetted officers but he failed to submit the same by due date i.e. 24-6-1987 and his name was not considered. However appointments are made after the termination of services of the applicant. The respondent has prayed for the dismissal of the reference.

4. Both the parties filed their respective affidavits in evidence reiterating the same facts as pleaded in their respective pleadings.

5. I have heard both the parties and gone through the record produced on the file.

6. The facts of the case are admitted. It is admitted fact that the applicant was employed on 18-12-1985 and his services were terminated on 17-3-86 without any notice or retrenchment compensation and enquiry. Thus it is admitted position that workman had worked with the respondent only for about three months. The alternative appointment offered by the respondent was not accepted by the workman as he failed to submit the requisite character certificate within the stipulated time. The workman had worked with the management for fixed period once only. The rep. of the management has drawn my attention to the case reported in 1990 (5) S.L.R. page 665 Sham Lal Vs Pepsu Road Transport Corporation and another in which it has been held that appointment for

fixed period has been covered U/S 2(o) (b) and the workman is not entitled to any relief U/S 25-F of the I.D. Act, 1947. More over the workman has not completed 240 days of service in the preceding 12 months from the date of termination. In view of the above authority, I am of the considered opinion that the employment of the applicant completely covered under the exclusion clause of Section 2(o) (b) and the workman can not claim benefit of retrenchment as the employment of the applicant was for fixed term.

7. The Central Govt. has made the reference to this Tribunal regarding the termination of the employment of the workman. The plea of the workman that many juniors were retained and fresh appointments were made by the respondent can not be considered as the reference has not been made by the Central Govt. U/S 25-G&H. The plea of the workman thus hold no weight and the same is rejected.

8. In view of the above discussion, there is no merit in the reference and same is returned to the Central Govt. holding that workman is not entitled to any relief and the action of the management in terminating the services of Sukhwinder Kumar son of Amar Nath w.e.f. 18-3-1986 is justified. The Central Govt. is informed.

Chandigarh
19-11-2001

S.M. GOEL, Presiding Officer

नई दिल्ली, 20 मार्च, 2002

का. आ. 1282.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कमांडर वर्क्स इंजीनियर (ए एफ), एम.ई.एस. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 47/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-02 को प्राप्त हुआ था।

[सं. एल-14012/12/93-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 47/94) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Commander Works Engineer (AF), M.E.S. and their workman, which was received by the Central Government on 20-03-2002.

[No. L-14012/12/93-IR(DU)]
KULDIP RAI VERMA, Desk Officer.

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 47/94 Sh. Bharat Bhushan S/o Shri Faquir
Chand, 5213-5, Lehal Colony,
Patiala-147001.

... Applicant

Vs.

Commander Works Engineer M.E.S.,
Chandigarh.

... Management

Appearances

For the workman Shri Tejinder Singh
For the management Shri I.S. Sidhu

AWARD

(Passed on 19-11-2001)

The Central Govt. vide gazette notification No. L-14012/12/93-I.R. (D.U.) dated 29th June, 1994 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the Commander Works Engineer (AF) M.E.S., Chandigarh in terminating the services of Shri Bharat Bhushan S/o Sh. Faquir Chand w.e.f. 18-3-86 is justified? If not, what relief he is entitled to?”

2. Applicant Bharat Bhushan filed claim statement stating therein that he was employed with the respondent as carpenter on 19-12-1985 and his services were terminated without any notice, retrenchment compensation and enquiry on 18-3-1986. He has claimed that number of juniors S/Shri Sukhdev Singh and Jasbir Singh etc. are still in service and thirteen mazdoor were employed in June 1994. He has prayed that workman may be reinstated in service with continuity of service and full backwages

3. The respondent in written statement has taken preliminary objection that respondent department is not an industry within the meaning of the I.D. Act, 1947. On merits it is admitted that workman was employed on casual basis as carpenter and his services were terminated on 18-3-1986. The applicant was offered alternative appointment as mazdoor on the condition that he has to confirm in writing to accept the lower category with character certificate issued by two gazetted officers but he failed to submit the same by due date i.e. 27-6-1987 and his name was not considered. However appointments are made after the termination of services of the applicant. The respondent has prayed for the dismissal of the reference.

107269/02-24.

4. Both the parties filed their respective affidavits in evidence reiterating the same facts as pleaded in their respective pleadings.

5. I have heard both the parties and gone through the record produced on the file

6. The facts of the case are admitted. It is admitted fact that the applicant was employed on 19-12-1985 and his services were terminated on 18-3-86 without any notice or retrenchment compensation and enquiry. Thus it is admitted position that workman had worked with the respondent only for about three months. The alternative appointment offered by the respondent was not accepted by the workman as he failed to submit the requisite character certificate within the stipulated time. The workman had worked with the management for fixed period once only. The rep. of the management has drawn my attention to the case reported in 1990 (5) S.L.R. page 665 Sham Lal Vs. Pepsu Road Transport Corporation and another in which it has been held that appointment for fixed period has been covered U/S 2(oo) (bb) and the workman is not entitled to any relief U/S 25-F of the I.D. Act 1947. More over the workman has not completed 240 days of service in the preceding 12 months from the date of termination. In view of the above authority, I am of the considered opinion that the employment of the applicant completely covered under the exclusion clause of Section 2(oo) (bb) and the workman can not claim benefit of retrenchment as the employment of the applicant was for fixed term.

7. The Central Govt. has made the reference to this Tribunal regarding the termination of the employment of the workman. The plea of the workman that many juniors were retained and fresh appointments were made by the respondent can not be considered as the reference has not been made by the Central Govt. U/S 25-G&H. The plea of the workman thus hold no weight and the same is rejected.

8. In view of the above discussion, there is no merit in the reference and same is returned to the Central Govt. holding that workman is not entitled to any relief and the action of the management in terminating the services of Bharat Bhushan son of Faquir Chand w e f 18-3-1986 is justified. The Central Govt. be informed.
Chandigarh
19-11-2001

S M GOEL, Presiding Officer

नई दिल्ली, 20 मार्च, 2002

का. आ. 1283.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. ई. एस. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 155/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-02 को प्राप्त हुआ था।

[सं. एल-14012/34/94-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 155/94) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M.E.S. and their workman. which was received by the Central Government on 20-03-2002

[No. L-14012/34/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, CHANDIGARH

ID 155/94

Ranbir Singh son of Shri Mohinder Singh, Village As e Majra, P O Kalyan District, Patiala (Pb)

Workman Applicant

Versus

The Commander Works Engineer
M.E.S., Chandigarh.

Respdt.

Appearances

For the workman

Shri H.S. Diwana

For the management

Shri I.S. Sidhu

AWARD

(Passed on 19-11-2001)

The Central Govt. vide notification No. L-14012/34/94-IR (DU) dated 14th of November 1994 has referred the following dispute to this Tribunal for adjudication —

“Whether the management of M.E.S. is justified in cancelling the offer of an alternative job? If not to what relief the workman Shri Ranbir Singh is entitled to?”

2. The applicant filed the claim statement stating therein that applicant was employed as carpenter on 16-4-1986. His services were terminated on 6-12-1986 without any notice, charge sheet, enquiry or compensation. That thereafter the workman was selected as mazdoor but he has not been provided with job so far. Applicant further states that number of employees have been employed by

the management of MES after the termination of the services of the workman and also the persons juniors to the workman have been retained in service by the management and 13 mazdoors were employed by the management in June 1994. The applicant prayed that the workman may be reinstated in service with continuity of service and full backwages.

3. The respondent in written statement has taken preliminary objection that respondent department is not an industry within the meaning of the I.D. Act, 1947. On merits it is admitted that workman was employed on casual basis as carpenter and his services were terminated on 6-12-1986. The workman was offered alternative appointment as mazdoor on the condition that he has to confirm in writing to accept the lower category with character certificate issued by two gazetted officers but he failed to submit the same by due date i.e. 22-4-1987 and his name was not considered. However appointments were made after the termination of services of the applicant. The respondent has prayed for the dismissal of the reference.

4. Both the parties filed their respective affidavits in evidence reiterating the same facts as pleaded in their respective pleadings.

5 I have heard both the parties and gone through the record produced on the file.

6. The facts of the case are admitted. It is admitted fact that the applicant was employed on 16-4-1986 and his services were terminated on 6-12-86 without any notice or retrenchment compensation and enquiry. Thus it is admitted position that workman had worked with the respondent only for about three months. The alternative appointment offered by the respondent was not accepted by the workman as he failed to submit the requisite character certificate within the stipulated time. The workman had worked with the management for fixed period once only. The rep. of the management has drawn my attention to the case reported in 1990 (5) S.L.R. page 665 Sham Lal Vs. Pepsu Road, Transport Corporation and another in which it has been held that appointment for fixed period has been covered U/S 2(oo) (bb) and the workman is not entitled to any relief U/S 25-F of the I.D. Act, 1947. More over the workman has not completed 240 days of service in the preceding 12 months from the date of termination. In view of the above authority, I am of the considered opinion that the employment of the applicant is completely covered under the exclusion clause of Section 2(oo) (bb) and the workman can not claim benefit of retrenchment as the employment of the applicant was for fixed terms.

7. The rep. of the management also relied on the case law reported in (2000) 6 Supreme Court cases page 554 Factory Manager, Cimco Wagon Factory Versus Virender Kumar Sharma and another in which the Hon'ble

Supreme Court has held that mere recommendatory letter for appointment by the officer who has no power of appointment does not amount to appointment, therefore, no termination from any post, therefore, reference is also not maintainable. So the plea of the workman that he has not been given alternative job is baseless.

8. The Central Govt. has made the reference to this Tribunal regarding the termination of the employment of the workman. The plea of the workman that many juniors were retained and fresh appointments were made by the respondent can not be considered as reference has not been made by the Central Govt. U/S 25-F&H. The plea of the workman thus hold no weight and the same is rejected.

9. In view of the above discussion, there is no merit in the reference and same is returned to the Central Govt. holding that workman is not entitled to any relief and the action of the management in terminating the services of Sukhwinder Kumar son of Amar Nath w.e.f. 18-3. 1986 is justified. The Central Govt. be informed.

Chandigarh.
19-11-2001

S.M. GOEL, Presiding Officer

नई दिल्ली, 20 मार्च, 2002

का. आ. 1284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 60/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-02 को प्राप्त हुआ था।

[सं. एल-40012/42/97-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 60/98) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Project and their workman, which was received by the Central Government on 20-03-2002

[No. L-40012/42/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer.

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-
LABOUR COURT, CHANDIGARH

Case No. ID
60 of 1998

Sh. Hari Chand C/o Shri A.L. Vohra,
H. No. 3059/1 Sector 44-D,
Chandigarh-160001.

... Per one

Vs.

The Divisional Engineer, Telecom
Project, Rampur (HP)-175042.

... Respondent.

Representatives :

For the workman Shri A.L. Vohra
For the management None.

AWARD

(Passed on 19th November, 2001)

The Central Govt. Ministry of Labour vide Notification No. L-40012/42/97-IR(DU) dated 9th March, 1998 has referred the following dispute to this Tribunal for adjudication.—

“Whether the action of the Divisional Engineer, Telecom Project, Rampur (HP) in terminating the services of Sh. Hari Chandra daily rated driver w.e.f. 17-9-96 is justified and legal? If not, to what relief he is entitled to and from which date?”

2. Today the case was fixed for filing of affidavit by the parties. Workman appeared and made the statement that he does not want to pursue with the present reference any more and the same may be returned as withdrawn. In view of the above, the present reference is returned to the Ministry as withdrawn. Appropriate Govt. be informed.

Chandigarh.
19-11-2001

S.M. GOEL, Presiding Officer

नई दिल्ली, 20 मार्च, 2002

का. आ. 1285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 156/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-02 को प्राप्त हुआ था।

[सं. एल-40012/450/99-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 156/2000) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt and their workman, which was received by the Central Government on 20-3-2002

[No L-40012/450/99-IR(DU)]
KULDIP RAI VERMA, Desk Officer.

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID
156 of 2000

Sh. Abhilash Chander
S/o Shri Darshan Lal, R/o Vill.
Upper Barol, Saraswati Nagar,
Dharamshala (H.P.)-176215

... Petitioner.

Vs.

The Telecom District Manager
Telecom, Dharamshala (H.P.)-176215.

... Respondent.

Appearances :

For the workman : None
For the management : Shri J.S. Rana

AWARD

(Passed on 17th October 2001)

The Central Govt. Ministry of Labour vide Notification No. L-40012/450/99-IR(DU) dated 3rd March, 2000 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the Telecom Distt. Manager, Dharamshala (HP) in terminating the services of Sh. Abhilash Chander S/o Sh. Darshan Lal w.e.f. 1/7/96 is legal and justified? If not, to what relief the workman is entitled?”

2. None is putting appearance on behalf of the workman despite several notices. It appears that workman is not interested to pursue with the present reference. In view of the above since the workman is not interested to pursue with the present reference, the same is returned to the Central Govt. for want of prosecution.. Appropriate Govt. be informed.

Chandigarh,
17-10-2001

S.M. GOEL, Presiding Officer

नई दिल्ली, 20 मार्च, 2002

का. आ. 1286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल टसर रिसर्च एण्ड ट्रेनिंग इन्स्टिट्यूट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 50/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-02 को प्राप्त हुआ था।

[सं. एल-42012/42/92-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/93) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Tasar Research & Training Instt. and their workman, which was received by the Central Government on 20-03-2002.

[No. L-42012/42/92-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 50 of 1993

Smt. Shrestha Devi
C/o Sh. Om Parkash Goswami,
V.P.O. Bandla (Tea Estate)
Teh. Palampur, Distt. Kangra (H.P.)-176061

.....Petitioner.

Vs.

Assistant Director,
Central Tasar Research & Training Institute,
Central Silk Board,
Palampur-176061

.....Respondent

REPRESENTATIVES

For the Workman : None
For the Management : Sh. B. L. Pandey

AWARD

(Passed on 7-11-2001)

The Central Govt., Ministry of Labour vide Notification No. L-42012/42/92-I.R. (D.U.) dated 22nd March, 1993 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Asstt. Director, Central Tasar Research & Training Instt., Central Silk Board, Palampur in terminating the services of Smt. Shrestha Devi w.e.f. 3-4-91 is justified ? If not, what relief she is entitled to ?”

2. On behalf of the workman it has been stated that she was working as a regular labour with the management w.e.f. 13-3-1988 and worked uninterruptedly till 3-4-1991. That the services of the workman were terminated by the Management verbally without assigning any reason, without serving any notice and thus the workman prayed that she be regularised after the completion of 240 days. In their written statement the management took the

preliminary objection that the reference was bad and was not maintainable as the workman had not effective cause of action on 3-4-1991 because on that date she was very much in employment; that the workman had tendered uninterrupted service of 240 days during a period of 12 calendar months preceding the date of reference i.e. 3-4-1991 that the workman was a casual labour engaged on daily basis that there was no sanction post but the duration was dependent upon the mandate sanctioned *vis-a-vis* the requirement of work load which was seasonal incorrect.

3 In support of their case the Management submitted the copy of daily attendance Register Ex-M1 from April 1990 to April 1991. It also submitted Ex. M2 which is the photocopy of the undertaking given by Smt. Shrestha on 25-2-1991 stating her interest to work as casual labourer and that she will not claim anything after her discontinuation as casual labourer because of exigencies of works the Management also submitted Ex. M3 which is the Affidavit of R. K. Goel, Assistant Director REC, Palampur. The workman produced herself in evidence and stated that it was incorrect to suggest that she had worked upto 12-4-1991 and received the wages accordingly. She also stated that it was incorrect to suggest that she had left the job by herself and had joined state Sericulture Department, Palampur.

4 The Management produced R.K. Goel, in evidence he did not agree to the suggestion of the workman that due to the less sanction of the mandate the worker was not allowed to complete 240 days. He admitted that the services of the workman were terminated verbally.

5. After submitting her written argument the workman absented. The oral argument on behalf of the Management was thus heard. He drew my attention Ex. M1 daily attendance register for the month of April 1990. The presence of the workman is noted till 12-4-1991. She worked with the Management for 12 days and was thus paid Rs. 240/- @ 20/- per day. Thus the argument of the representative of the Management is that on 3-4-1991 the cause of action had not arisen, therefore, the reference is bad and is not maintainable. He has also drawn my attention to the written argument submitted on behalf of the workman which is dated 11-5-1994 and were submitted on 16-5-1994. In this argument the workman had admitted that she had worked with the Management upto 12-4-1991 and her services were terminated by verbal order on 13-4-1991.

6. Having considered the argument on record, I am thus of the opinion that the reference is bad and is not maintainable as the workman had got no effective cause of action on 3-4-1991 because she was very much employment on 3-4-1991.

7 The Representative of the Management has also drawn my attention to Para C of the Written Argument

filed on behalf of the workman in which she has admitted that due to shortage of mandays and time and again fresh appointment the workman was forced not to complete 240 days in a 12 calendar year. Thus the argument of the Rep. of Management is that otherwise also the workman is not entitled to the relief because the workman had not completed 240 days of service as the work was of seasonal nature and the employment was casual. For his arguments the Rep. of the Management has relied on J T. 1995(6) Supreme Court 547 Morinda Cooperative Sugar Mill Vs. Ram Kishan and others. In this case law it was held by the Hon'ble Supreme Court that the Sugarcane crushing being a seasonal work, the Respondent could not be said who have been retrenched under the provisions of clause (bb) of Section 2(oo) of the Act

8. On behalf of the workman no case law has been submitted to controvert the above case law.

9. I have gone through the case law relied upon by Representative for the Management. The workman was a casual labour. She had also not completed 240 days in a calendar year and thus she being a seasonal and casual worker, her termination from service, therefore does not amount to retrenchment.

10. In view of the aforesaid discussion I am thus considered of the opinion that the workman is not entitled to any relief.

Place . Chandigarh. S.M. GOEL, Presiding Officer
Dated : 7-11-01

नई दिल्ली, 20 मार्च, 2002

का. आ. 1287.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टोरेट ऑफ़ व्हीट रिसर्च के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 17/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-02 को प्राप्त हुआ था।

[सं. एल-42012/14/92-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/93) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Directorate of Wheat Research and their workman, which was received by the Central Government on 20-03-2002.

[No. L-42012/14/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 17/93

Paramjeet Singh
S/o Sh. Karnail Singh,
New Shiv Colony,
Street No 2, Near Petrol pump,
Kaithal Road, Karnal (Hry.)

..... Applicant

Versus

Project Director,
Directorate of Wheat Research,
Karnal (Hry.)

..... Management

APPEARANCES

For the Workman : Shri J. B. Tacoria

For the Management : Shri S. K. Sood

AWARD

(Passed on 11-12-2001)

The Central Govt. vide Notification No L-42012/14/92-I.R. (D U) dated 18-1-93 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Directorate of Wheat Research which was subsequently merged with Project Coordinator (Barley), Karnal in terminating the services of Shri Paramjit Singh, ex-daily paid labour w.e.f. 1-6-90 is justified? If not, what relief he is entitled to and from what date?"

2. The applicant filed claim statement stating therein that he remained employed with the management from Nov. 1987 to May 1990. His services were terminated by the management on 1-6-1990. No notice was given at the time of termination. Thus the management has violated the provisions of Section 25-F of the I.D. Act. The management has not adopted the principle of first come last go and violated the provisions of Section 25(g) of the I.D. Act 1947. Thus the applicant has prayed that he be reinstated in service with full back wages and with continuity of service.

3. The management in written statement has taken the preliminary objection that the establishment of the management is national agency for promoting and coordinating research in all area of Wheat and Barley and it is not an 'Industry' and the applicant is not a workman. On merits it is pleaded that the workman was engaged as daily paid labourer for the work seasonal in

nature. It is stated that workman never completed 240 days in a calendar year. The workman only worked for 221 days in one calendar year immediately preceding his date of termination as per the detail given in para 1 of the written statement. It is pleaded that the workman worked for 58 days in the year 1987, 166 days in 1988, 216 days in 1989 and 147 days in 1990. The management pleaded that it has not violated the provisions of Section 25-F, G & H of the I.D. Act and the reference deserves dismissal.

4. The applicant filed replication contending that respondent management is industry. It is further pleaded junior to the workman namely Balbir Singh was retained in service at the time of termination of the services of the workman

5. The applicant in evidence filed his affidavit Ex. W1 and copy of representation Ex. W2 and detail of working days of the workman Ex. W2 in evidence. The management in evidence filed the affidavit of Hari Singh Ex. M1. The management also filed the affidavit of Jaspal Singh Ex. M2 in evidence. MW2 Jaspal Singh admitted in cross-examination that Ranauki Ram, Savitri, Harinder and Sukh Ram continued to come as casual labour at the time when the workman left the job. He has also admitted that Prem Partap, Ramesh Chand, Des Raj and Aman Kumar were employed after the termination of the workman.

6. I have heard both the parties and gone through the record of the case

7. It is not disputed that the workman had put in only 221 days of service in one calendar year immediately before his termination. Under these circumstances, the provisions of Section 25-F of the I.D. Act do not apply in this case. The witness of the management has admitted that Ranauki Ram, Savitri Devi, Harinder and Sukh Ram continued to come even after the termination of the services of the workman. The witness of the management MW1 has deposed that he is not aware that these four persons were junior to the workman or not. The management has also placed a letter dated 30-4-2001 filed on the case file on 30-7-2001 showing that Prem Partap, Ramesh Chand, Des Raj and Aman Kumar were appointed during the year 1994 and were junior to the applicant workman. In reply to the application for production of the record showing that Ranauki Ram, Savitri Devi, Harinder and Sukh Ram were junior to the workman, the management replied that the record is not traceable. The inference can be drawn that these four were junior to the workman and they were retained in service by the management. As per provisions of Section 25-G, the services of the junior must have been terminated by the management rather than the services of the workman. Thus the management has violated the provisions of this Section. Therefore, the termination of the services of the workman contravening the provisions of Section 25-G

constitute illegal termination of the services of the workman.

8. The rep. of the workman has referred the case of Narinder Kumar Vs. State of Haryana 1991(1) R. S. J. 690, Punjab & Haryana in which the Hon'ble High Court has held that if the provisions of Section 25-G are not complied with by the management, the workman is entitled to be reinstated though he had not completed 240 days prior to his termination. Keeping in view the law laid down by Hon'ble High Court, the workman deserves to be reinstated w.e.f. 1-6-1990.

9. The workman has not pleaded in his claim statement that he remained unemployed after the termination of his services. In written statement the management has pleaded that the workman did not turn up for work. In the affidavit also the workman has not deposed that he remained unemployed after the termination of his service, the workman is not entitled to get any back wages.

10. The rep. of the management also taken objection that establishment of the management is not industry and the applicant is not a workman. He has placed reliance on the case law State of Gujarat and others Vs. Pratamsingh Narsingh Parmar R.S. J. 2001(2) page 132 and argued that it is to be proved by the workman that the establishment to which he had been appointed is an industry. It is also argued that the applicant has not proved this fact before this Tribunal. I have gone through the case law. The present case law is not applicable on the facts and circumstances of the case. In the case in hand the management has pleaded that its establishment is not an industry. The management have to prove by leading evidence that their establishment is not an industry. The management has not proved and led any evidence to show as what are the activities and functions carried on by the management in absence of which it is held that the establishment of the management is an industry.

11. In view of the discussions made in earlier paras it is held that the action of the management in terminating the services of Paramjit Singh ex-daily paid labour w.e.f. 1-6-1990 is unjustified. The management is directed to reinstate him w.e.f. 1-6-1990 in the same capacity in which he was working at the time of termination. He will not be entitled to get any back wages. Reference is answered accordingly. Central Govt. be informed.

Chandigarh.

S.M. GOEL, Presiding Officer

Dated : 11-12-2001

नई दिल्ली, 20 मार्च, 2002

का. आ. 1288.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 129/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-02 को प्राप्त हुआ था।

[सं. एल-42012/81/92-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1288.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/92) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 20-03-2002.

[No. L-42012/81/92-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No I.D. 129/92

Daljit Kaur
D/o Shri Amar Singh,
H. No. 106-N H,
Nangal Townshipp.

.....Applicant

Versus

Chief Engineer,
Water Regulation,
Bhakra Beas Management Board,
Nangal Township

Respondent

Appearances

For the applicant : Shri Hardayal Singh
For the management : Shri R. C. Atri

AWARD

(Passed on 28-11-2001)

The Central Govt. vide Notification No. L-42012/81/92-I.R. (D.U.) dated 30th of September 1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the management of Bhakra Beas Management Board in relation to their Chief Engineer, Water Regulation on terminating the services of Miss Daljit Kaur, Typist clerk w.e.f. 1-4-1988 is justified? If not what relief the workman concerned is entitled to and from what date?”

2. The applicant in the claim statement has stated that she was appointed as typist clerk on 25-4-1984 in regular grade and worked up to 31-3-1988 with notional breaks and her services were terminated w.e.f. 1-4-1988 without following the provisions of the Industrial Disputes Act as no retrenchment compensation and notice or notice pay was paid to the workman at the time of her termination. The applicant also stated that junior Shri Mohan Lal has been retained in service and fresh recruitment were also made after her termination. The applicant prayed for reinstatement in service with full back wages and continuity of service.

3. The respondent in written statement has admitted the factum of appointment and termination of the applicant and it has been pleaded that the applicant was appointed for a specified period and her services came to an end after the expiry of the period specified in the appointment order. It is denied that Mohan Lal was retained and other persons viz. Ail Kumar, Harpal Singh and Smt. Neelam Behal were appointed on compensate ground and the case of the applicant comes under the exclusion clause (bb) of Section 2 (oo) of the I.D. Act and it is not a retrenchment. It is also stated that the applicant is employed as clerk with the Punjab Govt Department of employment in District Employment Exchange Nangal since 7-8-1989

4 The applicant in evidence filed her affidavit as Ex. W1 and a certificate issued by the Chief Engineer Water Regulation BBMB Nangal regarding the working days/period of the applicant. The respondent has also filed the affidavit V.K. Goel in evidence reiterating the plea of the management as in the written statement. The respondent also relied on the appointment letters Ex. M2 to M31.

5. I have heard both the parties and gone through the record of the case

6 It is the admitted case of the parties that the applicant remained employed with the management w.e.f. 4-2-1985 to 31-3-1988 with notional breaks and the applicant had completed 240 days of service in every calendar year. Ex. W2 is the certificate issued by the Chief Engineer, Water Regulation BBMB Nangal to the applicant wherein period of working of the applicant was shown in which the workman shown to have completed 240 days of service in a calendar year from the date of termination of her service. It is also admitted position that no retrenchment compensation, notice or pay in lieu of notice was given to the applicant at the time of termination of her services. Thus the management has violated the mandatory provisions of Section 25-F of the I.D. Act 1947. The stand of the management is that being the specific employment for specific period, it is not covered under the term ‘retrenchment’ and it is covered under the exclusion clause of Section 2 (oo) (bb) of the I.D. Act, 1947. I find no merit in the contention of the

management. Section (bb) of Section 2(oo) is applicable for the employment for specific period for one time. But when the appointments were given for 89 days each time and for a considerable time for about three years, then the Section (bb) of Section 2 (oo) is not applicable for such termination and it is covered under the term 'retrenchment' as provided in Section 2(oo) of the I.D. Act. In my considered opinion, such termination is retrenchment and the management should follow the mandatory provision for while terminating the services of such workmen.

7. As regard the backwages are concerned, the workman has admitted in her cross-examination that she has been working with the Punjab Govt. in Employment Exchange at Nangal and drawing basic salary of Rs. 4400 per month w.e.f. 7-8-89. Thus the applicant is gainfully employed in Govt. service w.e.f. 7-8-1989. In view of this the applicant is entitled backwages only for the period from 1-4-1988 to 6-8-1989.

8. In view of the discussions made in the earlier paras. it is held that the termination of the applicant w.e.f. 1-4-1988 by the management is not justified. She is entitled to be reinstated in service with the backwages from 1-4-1988 to 6-8-1989 only with continuity of service. The reference is answered accordingly Central Govt. be informed.

Chandigarh. S M. GOEL, Presiding Officer
28-11-2001

नई दिल्ली, 20 मार्च, 2002

का. आ. 1289.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 188/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2002 को प्राप्त हुआ था।

[सं. एल-42012/69/90-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1289.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 188/90) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 20-03-2002.

[No. L-42012/69/90-IR/(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

1072 69/02-25.

Case No ID 188/90

Smt. Kuldeep Kaur
C/o Sh. R.K. Singh,
House No. 35-G, Nangal Township,
Distt. Ropar

.....Applicant

Versus

Chief Engineer, BBMB,
Nangal Township, District Ropar

.....Management

Appearances

For the Workman : Shri R.K. Singh

For the Management : Shri R.C. Sharda

AWARD

(Passed on 6th of December 2001)

The Central Govt. vide Notification No. L-42012/69/90-I.R. (D.U.) dated 27th of November 1990 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of BBMB Nangal Township in terminating the services of Smt. Kuldeep Kaur, Time clerk at their R.M. Division, BBMB Nangal Township w.e.f. 20-8-1985 is legal and justified ? If not, to what relief the concerned workman is entitled to ? ”

2. The case of the applicant in the claim statement is that she had worked with the management w.e.f. 21-12-1984 to 2-8-1985 for a total period of 223 days. Her services were terminated and new hands were appointed after her termination. Some juniors were also retained. She has prayed that she be reinstated in services with full backwages

3. The stand of the management in writter statement is that the applicant was initially appointed for 89 days for a specific period and specific job and he period of appointment was further extended for 89 day and later on for 45 days till the completion of specific work which expired on 19-8-1985 and not 2-8-1985 ; alleged by the petitioner. The service of the applica. came to an end on the expiry of specific period. No other person of the category of the applicant was employed; therefore, the management has not violated the provision of Section 25-G of the I.D. Act 1947. No person in the category of the applicant was appointed after 19-8-1985. The management prayed for the rejection of the reference.

4 Rejoinder was filed by the applicant reiterating the averments of the claim statement. Both the parties filed their respective affidavits on the line of the pleadings of the parties. The witnesses were examined and cross-examined by the respective representatives of the parties.

5. I have heard both the parties and gone through the entire record of the case.

6. It is admitted fact in pleadings of the parties that the applicant had worked with the management from 21-12-1984 to 19-8-1985 for 223 days. The applicant has admitted in her cross-examination that she is not aware whether any time clerk was appointed with the management after 19-8-1985. It is also not disclosed by the applicant that any person in the category of the applicant was appointed or retained at the time of her termination. She has not completed 240 days of service which is statutory requirement to attract the provisions of Section 25-F of the I.D. Act 1947. The representative of the workman has argued that the services of the applicant was terminated to avoid the payment of retrenchment compensation U/S 25-F and this also amounts to unfair labour practice. But the representative of the management has failed to show any such document which shows that the work was available with the management and any person was appointed after the termination of the services of the applicant. No such instance has been shown by the applicant to show any unfair labour practice on the part of the management. The appointment of the applicant initially for 89 days which was further extended for 89 days and 45 days are for specific period and when the specific job comes to an end on the expiry of last period of 85 days, the term of appointment came to an end on the expiry of the specific period. Even otherwise the applicant had not completed 240 days of service in a calendar year to attract the provisions of Section 25-F. No ulterior motive was shown by the applicant that her services were terminated with biased attitude. So to my mind there is no illegality in the termination of the services of the applicant.

7. Even otherwise also, no case was made but by the applicant that there was any person junior to her was retained and any person was appointed after her termination i.e. 19-8-1985. In view of this, I am of the view that the action of the management of B.B.M.B. in terminating the services of Smt. Kuldeep Kaur time clerk w.e.f. 20-8-1985 is legal and justified. The applicant is not entitled to any relief. The reference is answered accordingly. Central Govt. be informed.

Chandigarh. S.M. GOEL, Presiding Officer
6-12-2001

नई दिल्ली, 20 मार्च, 2002

का. आ. 1290.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

चंडीगढ़ के पंचाट (संदर्भ संख्या 34/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2002 को प्राप्त हुआ था।

[सं. एल-42012/211/94-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1290.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No 34/96) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 20-03-2002.

[No. L-42012/211/94-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 34 of 1996

Shri Labh Singh S/o Shri Ajit Singh,
R/o V & PO Barwala, Distt Ambala
(Haryana)-133001 ... Petitioner

Vs.

The Ex. Engineer,
CPWD Division No. 1,
Sector 7-B, Chandigarh-160001 ... Respondent

Appearances

For the workman None
For the management : Shri G.C Babbar

AWARD

(Passed on 5th December, 2001)

The Central Govt. Ministry of Labour vide Notification No L-42012/211/94-IR (D U.) dated 27th March, 1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Ex. Engineer, CPWD Division No 1, Chandigarh in terminating the Services of Shri Labh Singh Typist is proper, legal and justified ? If not, to what relief the workman concerned is entitled to ?”

2. None has put up appearance on behalf of the workman, nor any evidence is present. It appears that workman is not interested to pursue with the present reference. In view of the above, since the workman is not interested to pursue with the present reference, the same

is returned to the Central Government for want of prosecution. Central Government be informed.

Chandigarh S.M. GOEL, Presiding Officer
5-12-2001.

नई दिल्ली, 20 मार्च, 2002

का. आ. 1291.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल इंस्टिट्यूट फॉर रिसर्च ऑन बुफेलोस के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 91/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2002 को प्राप्त हुआ था।

[सं. एल-42012/50/93-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1291.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 91/94) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 20-03-2002.

[No. L-42012/50/93-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 91 of 1994

Shri Daya Nand S/o Shri Hari Lal,
Village & Post Kirmara,
Distt. & Tehsil Hissar.Petitioner

Vs.

Director,
Central Instt. for Research
of Buffaloes, Hissar.Respondent

Appearances

For the workman None
For the management Shri R.K. Sharma

AWARD

(Passed on 19th October, 2001)

The Central Govt. Ministry of Labour vide
Notification No. L-42012/50/93-IR (D.U.) dated 17th

August, 1994 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of the workman Shri Daya Nand w.e.f. 31-10-90 is legal and justified ? If not, what relief the workman concerned is entitled to and from what date ?”

2. None has put up appearance on behalf of the workman despite notices. It appears that workman is not interested to pursue with the present reference. In view of the above, since none is present behalf of the workman, the reference is returned to the Central Government for want of prosecution. Central Government be informed.

Chandigarh S.M. GOEL, Presiding Officer
19-10-2001.

नई दिल्ली, 20 मार्च, 2002

का. आ. 1292.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन एग्रीकल्चर रिसर्च इंस्टिट्यूट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 62/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2002 को प्राप्त हुआ था।

[सं. एल-42012/156/91-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1292.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 62/92) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Agriculture Research Institute and their workman, which was received by the Central Government on 20-03-2002

[No. L-42012/156/91-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 62/92

Shri Jal Singh S/o Sh. Mamu Ram,
R/o Village Nalvi Khurad,
P.O. Kunjpura, Distt. Karnal.Applicant
Vs.

Project Director,
Directorate of Wheat Research,
Karnal (Hry.)

Appearances

For the workman Shri J B. Tacoria

For the management Shri S.K. Sood

AWARD

(Passed on 11th December, 2001)

The Central Govt vide Notification No L-42012/156/97-IR (D U) dated 29th of June 1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Indian Agriculture Research Institute (Barley Project now Wheat Project) in terminating the services of Shri Jal Singh w.e.f 23-6-1988 is justified ? If not, what relief he is entitled to ?”

2 The applicant in his claim statement has stated that he was employed as daily paid worker on 4-7-87 and worked upto 21-8-1987 and re-employed again on 1-9-1987 and worked in the Barley Project till 23-6-1988 without any break. His name was sponsored through employment exchange. Many persons were employed after the termination of his service and had been retained in the service. Even on 25-4-1990, Ramesh, Bimla and Multan were engaged. The management also violated the provisions of Section 25-G and H of the I.D. Act 1947. No notice, notice pay and retrenchment compensation was paid by the management at the time of his termination. He prayed for his reinstatement in service with full back wages and continuity of service.

3 The management in preliminary objection taken the plea that the respondent is not an industry and it does not come under the Industrial Disputes Act. On merits it was admitted by the management that the workman had worked for 288 days from Sep 1987 to June 1988 including Sunday and holidays. The workman was engaged on purely daily wage basis. The management stated that the workman has never contacted the office and he for the first time made the representation in 1/91. It is further contended by the management that workman was engaged purely on daily wage basis for the specific period and his term of employment comes to end on the completion of casual/seasonal work. The management prayed for the dismissal of the reference.

4 The applicant filed replication reiterating the contents of the claim statement.

5 In evidence the workman filed his affidavit Ex W-1. The workman in his cross-examination stated that Ranauki Ram, Savitri Devi were employed after his termination. The management in evidence filed the affidavit of Jaspal Singh Ex M1. The witness of the management has admitted in cross-examination that Ranauki, Savitri and Sukh Ram and Harinder were engaged after the termination of the services of the applicant.

6. I have heard both the parties and gone through the record of the case. The rep. of the management has cited before me the case law State of Gujarat and others Versus Pratamsingh Narsingh Parmar R.S.J. 2001(2) page 132 and argued that the respondent is not an 'industry' and the applicant is not a workman, as it is to be proved by the applicant/workman that the establishment to which he had been appointed is an industry. It is pointed by the rep. of the management that the applicant has not proved this fact before this Tribunal. The present case law is not applicable on the facts and circumstances of the case. In the present case the management has pleaded that its establishment is not an industry. The management have to prove by leading evidence that their establishment is not an industry. The management has not proved by any evidence that what are the activities of the management and what function are carried out by the management. In absence of which it is held that the establishment of the management is an industry. The rep. of the management has also argued that the workman has completed only 225 days excluding Sundays and Holidays and the Sundays and Holidays can not be taken into account while calculating the number working days for the purpose of calculating 240 days in one calendar year. It is admitted by the management that the workman had completed 288 days including Sundays and Holidays in one calendar year immediately before the termination of his services. It is held in the case law of Workmen of American Express International Banking Corpn Vs. Management of American Express International Banking Corporation reported in AIR 1986 Supreme Court 458 that Sundays and other paid holidays can be taken into account for the purpose of reckoning the total number of days on which the workman could be said to have actually worked. In view this authority it is held that the workman had completed 240 days of services in one calendar year immediately before termination of his services.

7. It is admitted position of the parties that no notice, notice pay or retrenchment compensation was paid by the management at the time of termination of his services. It is held that the management has violated the provisions Section 25-F of the I.D. Act 1947.

8. In view of the above discussion it is held that the action of the management of Indian Agriculture Research Institute (Barley project now wheat project) in terminating the services of Shri Jal Singh w.e.f. 23-6-1988 is unjustified. The applicant is entitled to be reinstated in services w.e.f. 23-6-1988 with full back wages and continuity of service. The reference is answered accordingly. Central Govt. be informed.

Chandigarh
11-12-2001.

S.M. GOEL, Presiding Officer

नई दिल्ली, 20 मार्च, 2002

का. आ. 1293.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाखड़ा डेम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 68/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2002 को प्राप्त हुआ था।

[सं. एल-42012/180/90-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 2002

S.O. 1293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 68/91) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bhakra Dam and their workman, which was received by the Central Government on 20-03-2002.

[No. L-42012/180/90-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S M GOEL, PRESIDING OFFICER,
CENTRAL GOVT, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 68/91

Shri Ashok Kumar S/o Shri Piara Lal
C/o Shri R.K. Singh, General Secretary,
Nangal Bhakra Mazdoor Sangh, INTUC,
Nangal Township, Distt. Ropar .. Applicant
Vs.

Chief Engineer,
Bhakra Dam, Nangal Township ... Respondent
Appearances

For the workman .. Shri R K Singh

For the management : Shri R.C Atri

AWARD

(Passed on 28th December, 2001)

The Central Govt. vide Gazette Notification No. L-42012/180/90-IR (D.U.) dated 13th of June, 1991 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of the Chief Engineer, Bhakra Dam, Nangal Township in terminating the services of Shri Ashok Kumar S/o Shri Piara Lal is justified ? If not, what relief he is entitled to ?”

2. The applicant stated in the claim statement that he worked as skilled and unskilled mazdoor and paid monthly wages w.e.f. 1-6-1987 in different divisions of the management and continuously employed till 31-3-1989. He has completed 282 days of service from 4/88 to 3/89. No seniority list was maintained by the management. His juniors have been retained in service. The management has also violated the provisions of Section 25-N of the I.D. Act 1947. Thus the management has violated the provisions of Section 25F, G and N of the I.D. Act. The applicant prayed for his reinstatement with full back wages.

3. The management in written statement has taken preliminary objection that the management has framed its policy for the deployment of daily rated workers in pursuance of the directions of the Hon'ble Himachal Pradesh High Court given in the case of Smt. Ram Piarai and others Vs. BBMB and the seniority of the daily rated workers were prepared division wise. It is admitted that workman worked as skilled labour in workshop division BC & Township from 6/87 to 3/89 intermittently. It is pleaded that the applicant had not completed 240 days in twelve calendar months from 4/88 to 3/89 in a single division. The seniority list of daily wages workers were prepared divisionwise in pursuance of the High Court orders. It is also pleaded that the job for which the services of the applicant was requisitioned is not of continuous nature, and there is no unfair labour practice on the part of the management. The management prayed for the rejection of the reference.

4. The applicant filed rejoinder reiterating the claim made in the claim statement.

5. The applicant filed his affidavit in evidence which is Ex. W13. The applicant also summoned the vouchers which are Ex. W1 to W12. The management filed the affidavit of A. K. Alhuwalia SDO which is Ex. M1 in evidence and also relied on the policy Ex. M2 for deployment of daily wagers dated 8-7-1988.

6. I have heard both the parties and have gone through the entire record of the case.

7. Representative of the workman has argued that the applicant had completed more than 240 days continuous service in one calendar year immediately before his termination i.e. 1-4-1989 and no notice, retrenchment compensation and pay in lieu of notice was paid to him, which is clear violation of Section 25-F of the Industrial Disputes Act and the applicant deserves to be reinstated in service with full back wages. He has placed reliance on the case of Rajinder Singh Vs. Presiding Officer reported in Service cases Today 2001(4) page 1105 in which the workman has completed 240 days of service in different divisions. I have carefully examined the record of the case in hand. The workman in his claim statement and in the record the workman shown to have worked for

24 days in April 1988, for 31 days in May 1988, for 19 days in 10/88, 27 days in 11/88, 23 days in 12/88, 23 days in 2/89 and 26 days in 3/89. He has also stated that he has worked in the month of June 1988 also. Even if the 30 days taken to be included for the month of June 1988, the workman has put in 203 days for the period from 4/88 to 3/89 in different divisions. In the case cited above, the workman had completed 240 days of service though in different division. So this case law is not helpful to the workman. The rep of the workman has also argued that juniors have been retained in service while the services of the workman has terminated. As rep the policy decision of the Board dated 8-7-1988 the seniority list of the daily wagers at division level was prepared after the direction of the Hon'ble High Court of Himachal Pradesh in the case of Ram Payari Vs. BBMB in W.1 No 27/88.

More over the workman has not completed 240 days in any one division and also in the different divisions so the work can not claim the benefit of violation of Section 25-F of the I.D Act 1947

8 The management's representative has also cited the case of Lachhman Dass Vs. BBMB reported in 1992 Lab. I.C. 1997 in which the similar question was raised and the policy dated 8-7-1988 prepared by the Board to maintain the seniority at division level and it was upheld by the Hon'ble Punjab & Haryana High Court. In view of the above, it is held that action of the management of the Chief Engineer, Bhakra Dam Nangal Township in terminating the services of Shri Ashok Kumar son of Shri Piara Lal is justified. The workman is not entitled to any relief. The reference is answered accordingly. Central Government be informed.

Chandigarh S M GOEL, Presiding Officer
28-12-2001

नई दिल्ली, 22 मार्च, 2002

का. आ. 1294.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 59/95) को प्रकाशित करती है, जो केन्द्रीय सरकार का 22-03-2002 को प्राप्त हुआ था।

[सं. एल-42012/109/94-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 22nd March, 2002

S.O. 1294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No 59/95) of the Central Government Industrial Tribunal/Labour

Court, New Delhi now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 22-03-2002.

[No. L-42012/109/94-IR (D.U.)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : Shri Badri Niwas Pandey

ID No. 59/95

Shri Devinder S/o Kishan,
C/o C.P.W.D. Mazdoor Union,
E-26 (Old Qtr), Raja Bazar,
Baba Khark Singh Marg, New Delhi

Workman/Claimant

Vs.

The Executive Engineer,
Asian Games Electrical Dn. I,
C P W.D. Gate No 29,
Nehru Stadium, New Delhi

Management/Respondent

AWARD

The Central Government in the Ministry of Labour vide its Order No L-42012/109/94-I R. (DU) dated 9-5-95 has referred the following industrial dispute to this Tribunal for adjudication

"Whether the action of the Management of Executive Engineer, Asian Games Electrical Dn I, C P W D, New Delhi was justified in terminating the services of Devinder S/o Kishan Wireman w.e.f 23-11-91?" If not, what relief the workman concerned is entitled to?"

2 The workman, Devender, has alleged that he was initially engaged as Wireman on muster roll on 26-6-82 and posted in sub-division I at Nehru Stadium and worked continuously upto 22-11-91, that he was arrested in the night of 23-11-91 on charges of theft when he was performing night shift duty and he was released on bail on 25-11-91, that instead of holding a departmental enquiry, he was terminated arbitrarily from the service on the same date and when he reported on duty on 25-11-91 after release on bail, the management refused to take him on duty; that many juniors to him are still working in the Division and most of them have been regularised in the time scale of Rs. 950—1500, that on termination, no compensation gratuity or one month's pay was given to him as provided under Industrial Disputes Act, 1947; that despite his repeated requests, the management refused to reinstate him in service, that he worked without any break w.e.f 26-6-82 to 22-11-91 and completed 240 days in

every calendar year; that during pendency of dispute before conciliation officer he was discharged from the criminal case on 2-7-93 by the Metropolitan Magistrate, Delhi; that even then he was not reinstated by the Management; that he was told that he would be reinstated after his acquittal; that even after his acquittal the management did not re-instate him, that the Management violated the provisions of Section 25(F), 25(G) and 25(H) of the I.D. Act. So the termination is illegal as well as unjustified, that at the time of termination he was getting the scale of Rs 950-1500; that the action of management is neither legal nor justified; that the workman is entitled to reinstatement w.e.f. 23-11-91 with all consequential benefits like seniority, regularisation etc.

3. In the written statement it is alleged by the Management that on 23-11-91 at about 9 pm Shri Devender along with Sarabjit Singh and two more individuals were stopped at the main Gate (West) of J.N. Stadium when they were carrying glass panes in a Maruti Vehicle. They were arrested on 23-11-91 and kept in custody till 25-11-91, that the action of Management terminating the workman w.e.f. 23-11-91 is justified as he was daily rated worker, that as Devender was not regular employee so question of Departmental Enquiry and formal termination order does not arise, even in the case of regular Government employees when they are in police custody beyond 48 hours they are deemed to have placed under suspension. It is denied that any junior person to him was regularised as Wireman, that as the workman was treated as terminated on ground of misconduct, he is not entitled to any compensation/gratuity or one month's pay which are given for termination of service other than on misconduct. It is also denied that he was told by the Management that he will be reinstated on duty after acquittal, by the court, that his case was considered for re-employment after acquittal but it was decided that he would not be re-engaged as casual worker again after approximately four years as there was ban. The workman was treated as terminated w.e.f. 23-11-91, that the workman was paid Rs. 60.50p per day on 23-11-91 at the time of termination as per rate fixed by the department, that the workman has been correctly treated as terminated w.e.f. 23-11-91 and is not entitled for reinstatement since he is not a regular government servant. It is prayed that claim of the workman be dismissed outrightly.

4. In the rejoinder facts stated in written statement are denied and facts stated in the claim have been reiterated.

5. Management filed affidavit of Shri G.S. Gupta, Executive Engineer in support of its case who was cross-examined by workman representative. Along with affidavit he filed letter dated 17-12-91 informing custody of Devender Singh workman from 23/24-11-91 to 25-11-91(P-1) letter from Chief Security Officer regarding taking away of government stores in vehicle by Devender

Singh and other (P-2) and Memo dated 11-3-93 (P-3) In cross he stated that no formal order of termination was passed in case of workman Devender. He stated that a theft case was going on against him in Court and on acquittal when he came for duty he was treated as terminated. The workman did not come for duty after 23-11-91 and that there was no provision of any compensation or notice to be given to a daily rated employee and that the workman had been continuously working after 26-6-82 to 22-11-91. The workman filed his affidavit Ex. WW1/1 in evidence in support of his case and in his cross-examination he stated that he was regular worker at the time of termination, he stated that he was not paid for the day he did not work. He was not given medical leave, Earned Leave or Casual leave like regular employee. He was not given all the benefits which a regular employee was getting except the salary.

6. I have heard learned counsel for the parties and have perused the file and written arguments submitted by the parties.

7. The admitted facts of the case are that the workman Devender was initially engaged as Wireman on muster-roll on 26-6-82 and continuously worked upto 22-11-91, that he was arrested in the night of 23-11-91 on the charges of theft and was released on bail on 25-11-91, that after release on bail on 25-11-91 and also even after subsequent discharge and acquittal from the criminal case he was not allowed to resume his duty, that no notice of so called deemed termination was given nor any departmental proceeding for the alleged misconduct was conducted nor any amount in lieu of such notice or wages or compensation was paid to him. The Management has further alleged in its written statement that the workman Devender was not a regular employee, so question of departmental enquiry in his case did not arise; that even in the case of regular government employees when they are in police custody for more than 48 hours they are deemed to have been placed under suspension and that as the workman was treated as terminated on the ground of misconduct, he was not entitled to any compensation/gratuity or one month's pay for notice. It has been further alleged that the case of the workman was considered for his re-employment after his acquittal but he was not re-engaged as casual worker after approximately 4 years as there was ban and the workman was treated as terminated w.e.f. 23-11-91.

8. From the above admitted facts it is clear that the workman continuously worked for more than 9 years and thereafter he was refused to work on the basis of a criminal case without following principles of natural justice and also mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. After his arrest on the charges of theft he remained in custody for 2 days only which was beyond his control, therefore, it cannot be termed as intentional absence. He was also ultimately acquitted from the

criminal case, so he cannot be held guilty of misconduct. Soon after his release from jail when he presented himself for his duty, he was illegally refused by the Management. He was treated as terminated w.e.f. 23-11-91 by the Management. The alleged deemed termination was not by way of any punishment on the basis of any Departmental enquiry. So at the most it can be treated as retrenchment only. But mandatory provision of Section 25-F of the I.D. Act, 1947 were not followed. Admittedly no such notice as required by the law was given nor any amount in lieu of such notice was paid to the workman. He was also not paid any amount of compensation as required by the law in the aforesaid provision. Therefore, the action of the Management in the instant case treating the workman as terminated cannot be justified. It has come in the evidence of the workman that many juniors to him like S/Shri Bijender Pal and Sukhdev were retained in service and their services were also regularised in the time scale of Rs. 950-1500. At the time of his alleged termination he was also being paid in the same pay scale. Therefore, if the workman Devender had been allowed to work like others he would have also been regularised like his other juniors.

9. It has been further alleged by the Management that "his case for re-employment was considered after acquittal from the court but it was decided by the competent committee that Shri Devender, wireman could not be re-engaged as casual worker again after approximately four years as there was absolute ban on the engagement of casual workers at present

10. No such order of absolute ban on the engagement of casual workers was produced/shown to me. Moreover, since the alleged deemed termination was against the principle of Natural justice and also without following the mandatory provisions of law it was biased and illegal and the workman was entitled to continue his service with back wages. There was no question of his re-employment in service but he was simply to be reinstated in the service because he was debarred from his service illegally and for no fault of his own.

11. In M.C.D. Vs. Praveen Kumar Jain and others reported in 1999 Lab. I.C. 619, the Hon'ble Supreme Court has held that "discharge from service—Validity—Respondent, a casual worker, discharged on account of misconduct—But order passed without conduct of disciplinary proceedings—is invalid—Further if it was discharged simpliciter as pleaded by appellant—Corporation—It was violative of S-25F for non-compliance thereof—Order setting aside such order of discharge was proper—Respondent directed to be reinstated—However, considering fact that there was in fact misconduct by respondent, backwages reduced to 50%. Again in a case of Nar Singh Pal Vs. Union of

India and others reported in 2000 Lab. I.C. 1377, the Hon'ble Supreme Court held "Termination of service—Casual Labour in Govt. Department—Worked continuously as such for more than 10 years and also acquired "temporary status"—Prosecuted for criminal offences on allegation of assaulting gateman on duty—Acquitted subsequently—Termination of his services on basis of same incident by paying him retrenchment compensation—Order passed on basis of preliminary enquiry and not on basis of regular departmental enquiry, without issuing a charge sheet or giving opportunity of hearing—Being punitive in nature, liable to be set aside—Fact that delinquent encashed cheque of retrenchment compensation—is of no consequence. Further held that after ultimate acquittal involvement of the appellant in a criminal case could not have been made basis for terminating his services. Since the appellant was acquitted, and it was a clean acquittal, the stigma attached to him of having been prosecuted in a criminal case should have been treated to have disappeared and no argument can be allowed to be raised for justifying the order of dismissal on the ground of appellant's involvement in a criminal case".

12. There is nothing like deemed termination. If termination is based on stigma, before passing the order of termination holding departmental enquiry against the employee is mandatory. Such termination is based on stigma will amount to punitive order which cannot legally be passed without adopting the mandatory provisions of law and principles of natural justice. Admittedly no such enquiry was conducted against the workman. If the alleged termination was simpliciter then at the most it could be treated as retrenchment only for which mandatory provisions of Section 25F of the I.D. Act, 1947 was to be followed. Admittedly in the instant case before the alleged deemed termination nothing was done by the Management. The workman was deprived of his job only on basis of his involvement in a criminal case in which he was ultimately acquitted and remained in custody for two days only. The appellant approached the management to resume his duty and his work but he was arbitrarily and illegally refused.

13. In view of the above discussions I am of the view that the action of the Management—Executive Engineer A.G. Electrical Division No. 1, C.P.W.D., New Delhi in terminating services of the workman Shri Devender w.e.f. 23-11-91 was arbitrary and illegal which cannot be justified and sustained. The alleged deemed termination deserves to be quashed. Workman deserves to be reinstated with full back wages according to rules w.e.f. 23-11-91 till the date of his restatement in service and all consequential benefits with immediate effect. The management is given two months time to reinstate the workman in service and make full payment of back wages.

14 The claim petition of the workman is accordingly allowed. Costs is made easy. Award is given accordingly.

B N. PANDEY, Presiding Officer

Dated : 18-3-02

नई दिल्ली, 22 मार्च, 2002

का. आ. 1295.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन वेटरनेरी रिसर्च इंस्टिट्यूट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 202/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-3-2002 को प्राप्त हुआ था।

[सं. एल-42012/191/2000-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd March, 2002

S.O. 1295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No 202/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Veterinary Research Instt. and their workman, which was received by the Central Government on 22-3-2002

[No. L-42012/191/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
LUCKNOW

PRESENT

RUDRESH KUMAR
PRESIDING OFFICER

I.D. No. 202/2000

Ref. No L-42012/191/2000/IR(DU) dated 31-10-2000

Between

Sh Mohan Singh Bisht S/o Sh Diwan Singh Bisht,
Narender Vihar Near IVRI Gate No 2, Izatnagar,
Bareilly (U P)-243001

And

Director, Indian Veterinary Research Institute,
Izatnagar, Bareilly (U.P) 243001

AWARD

By order No 42012/191/2000/IR (DU) dated 31-10-2000, the Central Government in the Ministry of

107269/02-26.

Labour, in exercise of powers conferred by clause (d) of sub-section (1) and Section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Mohan Singh Bisht S/o Diwan Singh Bisht and Director, Indian Veterinary Research Institute, Bareilly for adjudication.

The reference under adjudication is as under :

“Whether the action of the Management of Indian Veterinary Research Institute, Izatnagar, Bareilly in terminating the services of their workman Sh. Mohan Singh Bisht, Ex-Daily worker w.e.f. 18-7-92 is legal and justified ? If not, to what relief the workman is entitled and from which date ?”

2. In short : Mohan Singh Bisht, the workman, claims to have worked as daily wager/casual labourer in Indian Veterinary Research Institute, Izatnagar, Bareilly w.e.f. 2-11-1989 to 17-7-1992. It is alleged that his employer used to terminate his services verbally without any order in writing or prior notice and it's such acts were illegal. Some certificates of working days were issued to him and are annexed as Annexures A-I to A-VI. It is further stated that his name was sponsored from Employment Exchange, Bareilly as he was qualified for Group 'D' post. His employer also adopted unfair labour practices in replacing him by other junior persons to deny him regularity in service. On 4-1-94 applications were invited on prescribed proforma to regularize service and he also made application, and was interviewed on 2-9-95 for the post of the Mazdoor, and subsequently on 18-11-1995 for the post of attendant and peon. Only those daily wagers/casual labourers having nexus with the employer, despite being over age, were given appointments but he was denied regularization despite instructions to regularize services of such casual labourers at par with him. A number of allegations have been made against the employer which are not very relevant for the purposes of adjudication, as the reference is very specific about judging validity of termination of the workman w.e.f 18-7-1992.

3 The employer has refuted allegations of the workman and further raised issue that a Research Institute is not an "Industry" within the meaning of Section 2(j) of the I D Act. The status of the workman is also challenged that he was merely a casual worker engaged for few days in a year to work as Mazdoors for 40 days at a time, 10 days in six months or 200 days in a year as per requirement in the seasonal/intermittent nature of work. The employer has denied that the workman had worked ever, continuously, for 240 days in any year to be entitled to benefit under Section 25-F I D Act. It has also filed photo copy of Registration Card for casual worker relating to the workman, to show the workman was associated with the Institute since 2-11-1989 till 13-7-92 but in none of the years, he worked for 240 days and so, is not entitled to claim benefit of 'continuous service' as defined under Section 25-B of the

I.D. Act. Management has also refuted claim of regularization or any selection as alleged by the workman.

4. On receipt of the reference order, notices were issued to the workman and the employer. In compliance, the workman filed his claim statement and submitted authority in favour of Mr. R.C. Pathak, who appeared on 24-1-2001. Since 16-2-2001 the workman did not appear. On 31-5-2001, one Mr. Gyan Prakash, Advocate appeared to represent the workman but he did not appear afterward. Then after registered notices were issued to the workman by order dated 6-7-2001, 8-8-2001 and 7-9-2001 but none responded, and so on 31-10-2001 order was passed to proceed ex-parte. The management also was given time to file its evidence.

5. Though, the case proceeded ex-parte, it seems expedient to pursue documentary evidence on record filed by the workman to substantiate his claim. Annexure I, a certificate of working days shows 40 days working. Annexure II is also a certificate dated 30-1-90 which shows working for 40 days by the workman. Again, Annexure III is a certificate dated 29-11-90 which certifies working for 199 days. Annexure IV is another certificate showing working for 80 days. Annexure V is also a certificate dated 23-11-91 which shows working from 24-6-91 to 21-9-91. Annexure VI dated 17-7-92 also show working period of 89 days in between 16-4-92 to 13-7-92. Annexure VII is a copy of marksheet and Annexure VIII is a school leaving certificate. Some photo copies of the attendance register from year 1993 onward has been filed beside some documents in the nature of executive circulars etc. issued by the employer.

6. Factual scrutiny leads to show that the management has not denied association of the workman with it, but it has stated that the workman was engaged on seasonal/intermittent nature of work. He was issued a Registration Card for casual workers. This card bears photo and signature of the workman and was issued on 5-12-1989. All working days entries were made in this card under signature of the officers under whom the workman discharged his duties. The period mentioned in Annexure I to Annexure VI tally with entries in this card. From the date-wise entries, it can not be conceived that the workman discharged duties continuously for 240 days or more in any year. He last worked on 13-7-92. He was paid on the basis of entries in the Casual Labour card and payment made to him is not disputed. The workman did not appear to assail *bona fide* of the entries in this Casual Labour Card, and so it be taken to be un rebutted.

7. The submission of the management that the workman abandoned services on his own for some better employment and did not report to duty, remains unchallenged.

8. The onus to prove working period for 240 days in a year lies on the workman. The workman did not appear in evidence nor subjected himself to be cross-examined.

Even on the basis of certificates Annexures I to VI issued by the management, he can not claim benefit of continuous service. Some averments referred to workings in the year 1994-95 but this Tribunal has to confine itself to the validity of the termination dated 18-7-92 and is not required to analyze document of subsequent dates, which are not relevant for termination on an earlier date.

9. In the facts and circumstances of the case, it is also not necessary to enter into merit of preliminary issue, whether the Indian Veterinary Research Institute is an "Industry" as defined under Section 2 (j) of the I.D. Act.

10. Accordingly, the workman failed to prove that his termination order dated 18-7-92 was illegal. He is not entitled to any relief.

Lucknow
18-3-2002

RUDRESH KUMAR, Presiding Officer
नई दिल्ली, 22 मार्च, 2002

का. आ. 1296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिफेंस ईस्टेट ऑफिसर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या 309/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-3-2002 को प्राप्त हुआ था।

[सं. एल-14012/4/98-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd March, 2002

S.O. 1296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 309/2001) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Defence Estate Officer and their workman, which was received by the Central Government on 22-03-2002.

[No. L-14012/4/98-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR

Present. Shri S.K. Dhal, OSJS (Sr Branch),
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

Tr. INDUSTRIAL DISPUTE CASE No 309/2001
Date of Conclusion of the hearing—25th Feb. 2002

Date of Passing Award—12th Mar. 2002

Between :

The management of the Asst. Defence Estate Officer, 131, Surya Nagar, Unit-VII, Bhubaneswar—751 003.

... 1st party-Management.

And

Their Workman, Shri Ashok Kumar Moharana, At/Po, Darada, Via. Balipatna, Dist. Khurda, (Orissa) 752 102.

... 2nd Party-Workman.

Appearances :

Shri R. Majumdar,
A.D.E.O., Bhubaneswar.

... For the 1st Party-Management

Shri Ashok Kumar Moharana.

... For Himself-2nd Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-14012/4/98-IR (DU), dated 23-12-1999 :—

“Whether the action of the Management of Defence Estate Officer, Orissa in terminating the services of Shri Ashok Kumar Moharana, Casual Chowkidar is proper and justified ? If not, whether the demand of the workman for reinstatement with full back wages and seniority is justified ? If not, what directions are necessary in this regard ?”

2. The dispute is between the Assistant Defence Estate Officer (hereinafter called as the 1st Party) and Shri Ashok Kumar Moharana, (hereinafter called as the 2nd Party).

3. The case of the 2nd Party-Workman runs thus :—

His name was sponsored by the Employment Exchange Bhubaneswar, for the Post of Chowkidar and an interview was conducted by the 1st Party-Management. Being selected he was appointed. He performed his duties from 6-8-1993 to 15-4-1994. He performed his duty for more than 18 hours per day, though the 1st Party-Management has assured to pay extra wages at the rate of Rs. 35 per day, the same has also not been paid. For that case, I.D. Misc. Case No. 114/95 has been filed by the 2nd Party-Workman which is subjudice before the Labour Court. According to the 2nd Party-Workman as per the terms of the appointment order, dated 22-3-1994 he was appointed for 89 days from 2-2-1994. But before expiry of the terms his service was terminated without assigning any reason and without compliance of Section 25-F (a)(b)

of the Industrial Disputes Act. He has taken the stand that his service was terminated because the new officer wanted to keep his own man, namely Shri Durga Charan Naik, who has been appointed and is continuing in the post of Chowkidar. So he has prayed for reinstatement with full back wages and all other service benefits with effect from 15-4-1994.

4. The 1st Party-Management has filed their Written Statement. The first stand has been taken by the 1st Party-Management that the reference made under section 10 of the Industrial Dispute Act is not maintainable as the Director of Defence Estate Officer (Ministry of Defence) is not an industry and the 2nd Party is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act. It has been further pleaded by the 1st Party-Management that, the 2nd Party was appointed as a casual Chowkidar on need basis for a specified period to mitigate the exigencies. The claim of the 2nd Party is that he has worked continuously from 6-8-1993 to 15-4-1994 has been denied. It has been specifically pleaded that, the 2nd Party was engaged for 89 days with effect from 6-8-1993 to 2-11-1993 vide office order No. 60, dated 3-9-1993, again with effect from 24-11-1993 to 31-01-1994 and again he was issued for an order of appointment for the period of 89 days with effect from 2-2-1994. After that, the services of the 2nd Party-Workman was not required with effect from 25-3-1994, as such his appointment was terminated and has been duly communicated. The claim of the 2nd Party-Workman is that he was assured to be paid with extra wages has been denied. The filing of the I.D. Misc. Case No. 114/95 has been admitted by the 1st Party-Management. It has been further pleaded that, though the appointment order was issued for engagement of 89 days as per the direction of the Director of Defence, the 1st Party-management had to terminate his service. The plea of the 1st Party-Management is that, the 2nd Party-Workman has not completed 240 days in a 12 calendar months as he was appointed on need basis and he performed his work only intermittently. So, the provision of Section 25-F (a)(b) of the Industrial Disputes Act has no application.

5. On the above pleadings of the parties, the following issues have been settled

ISSUES

1. Whether the reference is maintainable in view of the letter of the Ministry, dated 16-4-1998?
2. Whether the Management of Defence Estate Officer comes under the definition of Industry ?
3. Whether the termination of Shri Ashok Kumar Moharana, Casual Worker is proper and justified ?
4. To what relief the Workman is entitled ?

6 Though the parties have declined to adduce any oral evidence they have relied on the documents admitted in this case. On behalf of the 2nd Party-Workman, appointment order, dated 3-9-1993 (Ext -1), appointment order, dated 22-3-1994 (Ext -2) termination order, dated 25-3-1994 (Ext -3) and copy of the Misc. Case No. 114/1995 (Ext -4) have been exhibited on behalf of the 2nd Party-Workman. The 1st Party-Management has exhibited two letters (Exts-A & B). Ext.-A is the terms for the engagement of casual labourers, dated 16-3-1993 and Ext -B is the instructions for the engagement of casual labourers, dated 12-4-1993.

FINDINGS

ISSUE No. II

7 I have taken this Issue first for convenient sake. The stand taken by the 1st Party-Management is that, being the branch office of the Director of Defence Estate an inseparable part of the Ministry of Defence is thus excluded from the definition of word "Industry" in view of Section 2(j)(b)(6) of the Industrial Disputes Act, in that case, the 1st Party-Management is not an Industry and the 2nd Party-Workman does not come under the definition of Workman. So, the present reference is not maintainable. On the other hand it is submitted on behalf of the 2nd Party is that, this is only applicable to the regular staff of the 1st Party-Management and he being a casual worker, he would come under the definition of Workman as per the provisions of the Industrial Disputes Act and this Tribunal has got power to grant relief. After hearing of both the parties, I find much force in the submission made on behalf of the 1st Party-Management. Admittedly, the 1st Party-Management is a branch of the Director of Defence Estate. No materials have been placed on behalf of the 2nd Party-Workman that the 1st Party-Management is a production unit of any defence materials to bring the same under the mischievous Industry. So, in my opinion, the 1st Party-Management would not come under the definition of Industry and consequently, the 2nd Party would not come under the definition of the workman. On the other words, this Tribunal have no power to entertain the grievance of the 2nd Party and hence, the reference is not maintainable. This issue is answered accordingly.

ISSUE No. I & III

8 Both the Issues have taken together for convenient sake. The 2nd Party has claimed that he has worked for more than 240 days before his termination without any assigning any reason. So his termination is illegal. Ext.-1 is the appointment order under which, the 2nd Party-Workman was appointed for 89 days with effect from 6-8-1993 to 2-11-1993. Under Ext -2 again he was appointed from 2-2-1994 till 15-4-1994. The service of the 2nd Party-Workman was terminated before 15-4-1994 i.e. on 25-3-1994. The case of the 2nd Party is that he worked for 251 days from 6-8-1993 to 15-4-1994 without any break. On the other hand, it is submitted on behalf of

the 1st Party-Management that, the appointment of the 2nd Party was for 89 days and thereafter there was break in service and again the 2nd Party was appointed for another 89 days and before completion of the period he was terminated as his services was no longer required. Admittedly, there are no materials has been shown by the 2nd Party that he had worked from 3-11-1993 to 1-2-1994. According to the 2nd Party this break shown by the 1st Party-Management is a motivated break to avoid the claim of the 2nd Party. On the other hand, inviting the attention of the letter of the Government of India, dated 1-4-1998, it has been submitted on behalf of the 1st Party-Management that the Ministry, initially was not in favour of making reference on the ground that the 2nd Party had not put 240 days of service during 12 months prior to his alleged termination but subsequently has made a reference and when the 2nd Party has not been able to explain this position and that would go to suggest that he has never worked for 240 days during 12 months prior to his alleged termination. It is true that, the Ministry had refused to make the reference and subsequently a reference has been made. While refusing reference there was an observation that, the 2nd Party has not worked 240 days continuously in 12 calendar months prior to his termination. In my opinion, this observation is not binding on the Tribunal to accept the same. That is an administrative observation subject to judicial review. The 1st Party-Management can not take an advantage on that, to say that, the 2nd Party-Workman has never worked for 240 days. I have already stated that no materials have been produced on behalf of the 2nd Party that, he had worked from 3-11-1993 to 1-2-1994 because Ex.-1 reveals that the 2nd Party was appointed for 89 days i.e. from 6-8-1993 to 2-11-1993 and under Ext -2 the 2nd Party was appointed for another 89 days i.e. from 2-2-1994 to 15-4-1994. The 2nd Party in his Claim Statement has stated that he has worked for 251 days from 6-8-1993 to 15-4-1994. Approximately there is a gap of 90 days from 3-11-1993 to 1-2-1994. The submission made on behalf of the 2nd Party that this break is motivated, in my opinion it can not be accepted because if that 90 days is excluded from 251 days as claimed by the 2nd Party, it would be seen that he has never worked for 240 days. No doubt under Ext -2 he was appointed for 89 days but prior to the completion of the period his services was terminated. The 1st Party-Management placing reliance on Ext -1 and 2 and has submitted in view of the order of the Ministry of Defence the services of the 2nd Party was terminated as there was direction not to engage the casual labourers against the regular vacancy. When the services of the 2nd party was utilized on casual basis his disengagement would not come under the definition of termination or retrenchment as per the provisions of the Industrial Dispute Act. so, the termination of services of the 2nd Party can not said to be illegal. Hence both the Issues are answered accordingly.

ISSUE NO. IV

9. In view of my findings given in respect of Issue No. I, II and III, the 2nd Party is not entitled for reinstatement with full back wages and he is not entitled for any relief.

10. Reference is answered accordingly.

S.K. DHAL, Presiding Officer

आदेश

नई दिल्ली, 7 मार्च, 2002

का. आ. 1297.—जबकि केन्द्रीय सरकार की यह राय थी कि भारतीय सीमेंट निगम के नियोक्ता और (i) राजबन सीमेंट कारखाना, जिला सिरमुर, हिमाचल प्रदेश और (ii) बोकाजन सीमेंट कारखाना, बोकाजन, जिला कारबी, एंगलोंग, असम में उनके कर्मचारों के बीच औद्योगिक विवाद विद्यमान था।

और जबकि उपरोक्त विवाद में राष्ट्रीय महत्व का प्रश्न अन्तर्ग्रस्त था, और यह विवाद इस प्रकृति का था कि एक से अधिक राज्यों में स्थापित भारतीय सीमेंट निगम के औद्योगिक प्रतिष्ठानों के, ऐसे विवादों से हितबद्ध होने या प्रभावित होने की संभावना थी।

और जबकि केन्द्रीय सरकार की यह राय थी कि इसका न्यायनिर्णयन एक राष्ट्रीय औद्योगिक न्यायाधिकरण द्वारा किया जाना चाहिए।

और जबकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने श्रम मंत्रालय के आदेश सं. एल-51030/5/84-आई एंड ई(एस एस) दिनांक 16-10-84 के तहत एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया जिसका मुख्यालय कोलकाता में रखा गया और इसके पीठासीन अधिकारी के रूप में न्यायमूर्ति श्री एम.पी. सिंह को नियुक्त किया और उपरोक्त अधिनियम की धारा 10 की उप-धारा (1-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को न्यायनिर्णयन के लिए उपर्युक्त राष्ट्रीय औद्योगिक न्यायाधिकरण के पास प्रेषित किया।

और जबकि भारत सरकार की उक्त अधिसूचना द्वारा गठित राष्ट्रीय औद्योगिक न्यायाधिकरण के पीठासीन अधिकारी के कार्यालय में एक रिक्ति उत्पन्न हो गयी है।

अब, इसलिए एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया जाता है, जिसका मुख्यालय कोलकाता में होगा तथा जिसके पीठासीन अधिकारी न्यायमूर्ति श्री बी.पी. शर्मा होंगे और उपर्युक्त विवाद को न्यायनिर्णयन के लिए उक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को भेजा जाता है।

[सं.एल-51030/13/2001-आई.आर.(पी.जी.)]

पद्मा बालासुब्रामणियन, संयुक्त सचिव

ORDER

New Delhi, the 7th March, 2002

S.O. 1297.—Whereas the Central Government was of the opinion that an industrial dispute existed between the employer of Cement Corporation of India and their workman at (i) Rajban Cement Factory, Distt. Sirmur, Himachal Pradesh and (ii) Bokajan Cement Factory, Bokajan, Distt. Karbi, Anglong, Assam

And whereas the dispute involved a question of national importance and was also of such a nature that industrial establishments of Cement Corporation of India situated in more than one State were likely to be interested in or affected by such disputes.

And whereas the Central Government was of the opinion that the said dispute should be adjudicated by a National Tribunal.

And whereas the Central Government in exercise of the powers conferred by Section 7 (B) of the I.D. Act, 1947 (14 of 1947) constituted a National Tribunal vide Ministry of Labour Order No. L-51030/5/84-I&E(SS) dated 16-10-84 with the headquarters at Kolkata and appointed Justice M P Singh as its Presiding Officer and in exercise of the powers conferred by sub-section (1A) of Section 10 of the said Act, referred the said Industrial Dispute to the said National Industrial Tribunal for adjudication.

And whereas a vacancy has occurred in the office of the Presiding Officer of the National Industrial Tribunal, constituted by the said notification of the Government of India.

Now, therefore, a National Industrial Tribunal is constituted with headquarters at Kolkata and Justice B.P. Sharma as its Presiding Officer and the said above dispute is referred to the said National Industrial Tribunal for adjudication.

[No. L-51030/13/2001-IR(PG)]

PADMA BALASUBRAMANIAN, Jt. Secy.

नई दिल्ली, 1 अप्रैल, 2002

का. आ. 1298.—जबकि, एयर इंडिया के प्रबंधन तथा उनके कर्मचारों, जिनका प्रतिनिधित्व एयर इंडिया एयर क्राफ्ट इंजीनियर्स एसोसिएशन द्वारा किया जा रहा है, के बीच एक औद्योगिक विवाद विद्यमान है;

और जबकि, मुंबई स्थित माननीय उच्च न्यायालय ने दिनांक 25-2-2002 के अपने आदेश में 2002 के सी ए संख्या 225 के साथ 2001 के आदेश संख्या 1041 से अपील में 2002 के सी ए एस संख्या 7486 को केन्द्रीय सरकार के लिए इस निदेश के साथ निपटा दिया कि उक्त विवाद को संबंधित पक्षकारों से संयुक्त आवेदन पत्र प्राप्त होने पर माननीय न्यायमूर्ति श्री एच. सुरेश (अवकाश प्राप्त) के एकमात्र विवाचन हेतु संदर्भित किया जाए;

और जबकि उक्त प्रबंधन और उनके कर्मकार, जिनका प्रतिनिधित्व उक्त एसोसिएशन द्वारा किया जा रहा है, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उप-धारा (i) के अंतर्गत एक लिखित करार द्वारा उक्त विवाद को विवाचन हेतु भेजने पर सहमत हैं तथा उक्त करार की एक प्रति केन्द्रीय सरकार को भेज दी गयी है;

अतः, अब उक्त अधिनियम की धारा 10-क की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार इसके साथ संलग्न उक्त करार को एयर इंडिया एयरक्राफ्ट्स इंजीनियर्स एसोसिएशन द्वारा यथा प्रस्तावित विचारार्थ विषय (अनुबंध "क" से प्रपत्र "ग"), एयर इंडिया द्वारा यथा प्रस्तावित विचारार्थ विषय (अनुबंध-क 1), न्यायमूर्ति श्री एच. सुरेश (अवकाश प्राप्त) के सहमति पत्र (अनुबंध-"ख"), माननीय उच्च न्यायालय, मुंबई के दिनांक 25-2-2002 के आदेश के कार्यवृत्त (अनुबंध-"ग") तथा आदेश (अनुबंध-"घ") को प्रकाशित करती है तथा उक्त औद्योगिक विवाद को पूर्व वर्णित माननीय उच्च न्यायालय के निर्देश का अनुसरण करते हुए माननीय न्यायमूर्ति श्री एच. सुरेश (अवकाश प्राप्त) के एकमात्र विवाचन हेतु संदर्भित करती है।

और जबकि केन्द्रीय सरकार इस बात से संतुष्ट है कि करार से संबंधित पक्षकार दोनों पक्षों के बहुमत का प्रतिनिधित्व करते हैं, केन्द्रीय सरकार, औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम 8 क के साथ पठित औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की उप-धारा 3-क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अपनी तरफ से इस अधिसूचना को उन नियोजकों और कर्मकारों, जो विवाचन करार में पक्षकार तो नहीं हैं लेकिन विवाद से संबंधित हैं, की सूचनार्थ प्रकाशित करती है।

[फा.सं. एल-11012/9/2002-आई.आर.(सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 1st April, 2002

S.O. 1298.—Whereas an industrial dispute exists between the management of Air India and their workman represented by Air India Aircraft Engineers Association, Mumbai,

And whereas, the Hon'ble High Court of Judicature at Mumbai in their order dated 25-2-2002 disposed off CAS No. 7486 of 2002 in Appeal from Order No. 1041 of 2001 with CA No. 225 of 2002 with the direction to the Central Govt. to refer the said industrial dispute to the sole Arbitration of Hon'ble Mr. Justice H. Suresh (Retd.) upon receiving joint application from the parties concerned;

And whereas, the said management and their workman represented by the said Association have by written agreement under sub-section(1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) agreed to refer the said disputes to Arbitration and have forwarded to the Central Govt. a copy of the said agreement;

Now therefore, In pursuance of sub-section (3) of Section 10A of the said Act the Central Govt. hereby

publishes the said agreement as hereto appended alongwith Terms of reference (Annexure "A" to form "C") as proposed by Air India Aircrafts Engineers Association, Terms of reference (Annexure A1) as proposed by Air India, Letter of consent of Mr. Justice H. Suresh (Retd.) (Annexure "B") Minutes of order (Annexure "C") and Order dated 25-2-2002 of the Hon'ble High Court of Mumbai (Annexure "D") and hereby refers the said Industrial Dispute to the sole Arbitration of Hon'ble Mr. Justice H. Suresh (Retd.) pursuant to the direction of the Hon'ble High Court afore mentioned.

And whereas, the Central Govt. is satisfied that the parties to the agreement represent the majority of each party, the Central Govt., in exercise of powers conferred by sub-section 3A of the Industrial Disputes Act 1947 (14 of 1947) read with Rule 8A of the Industrial Disputes (Central) Rules, 1957, in this behalf publishes this notification for the information of the employers and workmen who are not parties to the Arbitration agreement but are concerned in the dispute.

[F. No. L-11012/9/2002-IR(C-I)]

S.S. GUPTA, Under Secy.

FORM C (See Rule 7)

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947).

BETWEEN

Name of the Parties -

Representing employers : Air India Limited

Representing workmen : Air India Aircraft
Engineers' Association

It is hereby agreed between the parties to refer the following industrial dispute, to the arbitration of Hon'ble Mr. Justice H. Suresh (Retd.)

(i) Specific matters in : As per Annexure 'A'
disputes & A-1

(ii) Details of the parties : Air India limited Old
to the dispute includ- Airport, Kalina Santa
ing the name and ad- Cruz (East) Mumbai
dress of the establish- 400 029.
ment or undertaking
involved

(iii) Name of the workman : Air India Aircraft Engi-
in case he himself is neers' Association, Old
involved in the dispute Airport Kalina, Santa
or the name of the Cruz (East) Mumbai
union, if any, repre- 400 029
senting the workmen
or workman in ques-
tion

(iv) Total number of workmen employed in the undertaking affected : 12474 as on 1-2-2002

(v) Estimated number of workmen affected or likely to be affected by the dispute : 494 as on 1-2-2002

We further agree that the Award of the Hon'ble Mr. Justice H. Suresh (Retd.) shall be binding on us. In case the arbitrators are equally divided in their opinion, that they shall appoint another person as umpire whose award shall be binding on us. The arbitrator shall make his award within a period of six months (here specify the period agreed upon by the Parties) [from the date of publication of this agreement in the Official Gazette by the appropriate Government] or within such time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for the fresh arbitration.

Signature of the Parties Representing

Employer

For Air India Limited

Representing Workmen

For Air India Aircraft Engineers' Association

Witness :

(1)

(2)

Copy to:—

(i) The Assistant Labour Commissioner (Central), Office of the Assistant Labour Commissioner (Central), Ministry of Labour, Government of India, Sharmraksha Bhawan, Sion, Mumbai 400022.

(ii) The Regional Labour Commissioner (Central), Office of the Regional Labour Commissioner (Central), Ministry of Labour, Government of India, Shramraksha Bhawan, Sion Mumbai 400022.

(iii) The Chief Labour Commissioner (Central), New Delhi.

(iv) The Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi.

*Where applicable

**Delete whichever is not applicable

ANNEXURE 'A'

By Air India Aircraft Engineers Association

TERMS OF REFERENCE

1. (a) Whether the workmen (Aircraft Engineers) are entitled to PLI payment for extra sector flights during the following periods as per the terms of MoS of 1996 ?

Sl. No.	Period	Aircraft Registration	PLI
1.	22-09-96 to 01-10-96	VT-EGB	Not Paid
2.	22-10-96 to 31-10-96	VT-EGB	Not Paid
3.	07-11-96 to 13-11-96	VT-EGB	Not Paid
4.	27-09-97 to 01-10-97	VT-EGA	Not Paid
5.	13-10-97 to 19-10-97	VT-EGA	Not Paid
6.	27-10-97 to 1-11-97	VT-EGA	Not Paid
7.	06-09-98 to 21-09-98	VT-EGC	Not Paid
8.	22-09-98 to 01-10-98	VT-EGC	Not Paid
9.	22-10-98 to 24-10-98	VT-EGC	Not Paid

(b) Whether the Air-India management has already decided to pay the said arrears after the mutual consultation with the office bearers of the Association and the payment was only subject to the approval of the Board of Directors?

(c) If so, whether they are entitled to receive interest on the said payments (Arrears) and if so, at what rate ?

2. (a) Whether the existing agreement on PLI dated 2/3 of May, 1996 was required to be reviewed and amended as per the terms of the said settlement on account of introduction of additional aircraft ?

(b) If so, whether the workmen are entitled to interest on arrears of payment from the date of introduction of additional aircrafts till payment ?

3. (a) Whether the grade 34 should be created in view of the stagnation of many Sr. Dy. Chief Aircraft Engineers ?

(b) Whether the Air India management had principally agreed to create such grade and had appointed a Committee under the Chairmanships of Mr. S.A. Deshmukh by letter dated April 6th, 2001 only to workout the modalities ?

(c) If so, whether the management is responsible for the delay in the creation of grade no. 34, if so, what relief the stagnated Aircraft Engineers are entitled to ?

4. (a) Whether the Aircraft Engineers are entitled to get additional productivity compensation for undertaking non-scheduled/outside party work during the period 1996 till today and in future as per the term of 2nd/3rd May 1996 settlement Annexure 'C' para no. 4.

(b) If so, whether they are entitled to get the interest over the due payment for such work done during the period mentioned above ?

5 (a) Whether the workmen are entitled to get additional productivity compensation for carrying out the periodic check of A-300 B4 aircraft in-house which was earlier done by foreign party ?

(b) If so, what amount of compensation should be paid from the time periodic checks started in Air-India for A300-B4 ?

6. Whether the following action of management amount to violation of Agreement/Understanding/Awards ?

(a) Non-payment of PLI for the following period :

Period	Aircraft
12-08-01 to 10-09-01	VT-ESO
13-09-01 to 09-10-01	VT-ESM
06-12-01 to 03-01-02	VT-ESN

(b) If the Air India Management desires to make any alterations in the Settlements and/or Understanding, norms, reflected in the Maintenance System Manual, Quality Control Manual, and/or, the correspondence or otherwise change the established practices in respect of the Service conditions. The same should not be done without consultation of the Association and without giving notice of change

7 (a) The norms detailed by the National Safety Council in its "Aviation Ground Operations Safety Hand Book" publication on safety of equipment, hangar, shops should be observed to make the working conditions safe.

(b) The Air India Management should also observe the Ramp safety requirements for personnel contained in the Airport Authority's manuals

(c) Engine run up area should be made available as per the requirement of Airport manuals

8 (a) Whether the Rest Rooms provided to Aircraft Engineers are furnished and maintained to the required standard ?

(b) Whether health, safety and welfare aspects are up to the required standards that are provided by Air India management to Aircraft Engineers (workmen) and maintained ?

9. (a) Whether the Aircraft Engineers who have obtained qualification for Inspection/certification of 747-400 and its equipment after 1997 are entitled to certification allowance as per the settlement dated 1994 as being paid to similarly qualified persons prior to 1997 ?

(b) If so, whether they are entitled to the interest on the amount remaining unpaid and at what rate ?

10 Whether the Office Bearers of the Association are entitled to travel on confirmed ticket on club class as per the bilateral agreement of 1989 and the practice observed for over 15 years ?

11. Whether the action of Management of granting approval to Technical Officers in the matter of

Defect Investigation; Recording; Analysis; Rectification; Log book certification, Calling out defect rectification; Preparation of documents; MEL/CDL; Maintenance of test equipment; Preparation of procedure/process sheets—which are the job function and duties and responsibility of Aircraft Engineers according to rules and regulation and bilateral agreements and practice, legal? Just ? Proper ?

12. (a) Whether a parity in the matter of total emoluments of Aircraft Engineers should be maintained vis-a-vis the total emoluments of Pilots as well as Flight engineers ? If so, what should be the percentage of emoluments payable to Aircraft Engineers at the lowest grade as well as compared with the Pilots and Flight Engineers at the lowest and highest grades ?

(b) Whether the Aircraft Engineers are entitled to get additional fixed Allowance of Rs. 50,000 as a fixed allowance named as multiple fleet allowance on the same lines being paid to Pilots at Rs. 50,000 per month and Flight Engineers Rs. 35,000 per months—in addition to all other salaries and allowances ?

13. "Whether we should regard to long standing practice of sending the Aircraft Engineers to attend Seminars, conferences, and training programs held by Manufacturer or Vendors of Aircrafts/Engines and its Components, and that too in consultation with the Association and fixing the eligible name of the incumbents ? Whether the action of the Management of sending only Executives and/or Aircraft Engineers (workmen) without consultation and agreement with the Association is just, and proper ? Whether the practice is a part of service condition of Aircraft Engineers, which can not be altered without the due process of law should be continued ?"

ANNEXURE 'A-1'

TERMS OF REFERENCE BY AIR INDIA

1. (a) Whether the Aircraft Engineers are entitled to PLI payment for extra section flights during the following periods as per the terms of MoS of 1996 ?

Sl. No.	Period	Aircraft Registration	PLI
1.	22-09-96 to 01-10-96	VT-EGB	Not Paid
2.	22-10-96 to 31-10-96	VT-EGB	Not Paid
3	07-11-96 to 13-11-96	VT-EGB	Not Paid
4	27-09-97 to 01-10-97	VT-EGA	Not Paid
5	13-10-97 to 19-10-97	VT-EGA	Not Paid
6.	27-10-97 to 01-11-97	VT-EGA	Not Paid
7	06-09-98 to 21-09-98	VT-EGC	Not Paid
8.	22-09-98 to 01-10-98	VT-EGC	Not Paid
9	22-10-98 to 24-10-98	VT-EGC	Not Paid

1(b) Whether the Aircraft Engineers and AIAEA are precluded from raising the demand for inclusion of

VVIP flights for reckoning the payment of PLI in view of the concluded and binding settlement between the parties which has not been terminated, and whether the demand made by AIAEA is maintainable in law ?

1(c) Whether a Communication addressed to the Union that matter will be placed before the Board for its approval creates a right in favour of the union for payment?

1(d) Whether a tentative proposal arrived at during incomplete negotiations is binding upon the Management ?

1(e) If the answer to 1(a), 1(c) and 1(d) is in the affirmative, whether they are entitled to receive interest on the said payments (arrears) if so at what rate ?

1(f) Whether the claim of AIAEA to receive interest on the said payment of arrears is maintainable in law and whether interest can be claimed even though no demand was ever raised in this behalf and there is no industrial dispute in existence ?

2(a) Whether the existing agreement on PLI dated 2/3 May, 1996 was required to be reviewed and amended as per the terms of the said settlement on account of introduction of additional aircraft ?

2(b) If so, whether the Management is entitled to review and amend the performance/Productivity Linked Incentive Scheme in accordance with Clause 16 of the MOS of 1996 ?

2(c) If the answer to 2(a) is in the affirmative, whether the workmen are entitled to interest on arrears of payment from the date of introduction of additional aircraft till payment ?

2(d) Whether the claim of AIAEA to receive interest on the said payment of arrears is maintainable in law and whether interest can be claimed even though no demand was ever raised in this behalf and there is no industrial dispute in existence ?

3(a) Whether the demand of AIAEA for the promotion of Deputy Chief Aircraft Engineer to Grade 34 is justified in the light of Deshmukh Committee Report ?

3(b) Whether Deputy Chief Aircraft Engineers who declined promotion to Grade 34 in the past are entitled to be promoted to the said Grade ?

3(c) If the answer to 3(a) and 3(b) is in the affirmative, what reliefs are the Aircraft Engineers' entitled to ?

4(a) Whether the Aircraft Engineers are entitled to get additional productivity compensation for undertaking non-scheduled/outside party work during the period 1996 till today and in future as per the term of 2/3 May, 1996 Settlement Annexure "C" para No. 4 ?

4(b) Whether Clause 7 of MoS of 1996 as well as the revised productivity on work practices as enumerated in Annexure "C" and other provisions of the said 1996 Settlement already compensated the Aircraft Engineers for undertaking non-scheduled/outside party work ?

4(c) If so whether they are entitled to get the interest on the due payment for such work done during the period mentioned above ?

4(d) Whether the claim of AIAEA to receive interest on the said payment of arrears is maintainable in law and whether interest can be claimed even though no demand was ever raised in this behalf and there is no industrial dispute in existence ?

5(a) Whether the Aircraft Engineers are entitled to get additional productivity compensation for carrying out the periodic check of A-300 B4 aircraft inhouse which was earlier done by foreign party ?

5(b) Whether having received PLI Payment on the basis of number of aircraft in the fleet, the demand for additional productivity compensation for periodic check of A-300 B4 Aircraft is maintainable or justified even though the said aircraft were counted as part of the fleet?

5(c) If the answer of 5(a) is in the affirmative, what amount of compensation should be paid to the Aircraft Engineers ?

6(a) Whether PLI is payable for the following period :

Period	Aircraft
12-08-01 to 10-09-01	VT-ESO
13-09-01 to 09-10-01	VT-ESM
06-12-01 to 03-01-02	VT-ESN

6(b) Whether the work done during the said period consisting of strut modification carried out in respect of the above mentioned aircraft, which forms part of airworthiness requirement, can be reckoned for the calculation of PLI payment ? If so, whether the Aircraft Engineers will be eligible for any relief ?

6(c) Whether the Aircraft Engineers are entitled to claim PLI payments for the aforesaid three periods : out in 6(a) above, even though the work done on the concerned three aircraft during the said periods was by foreign company in Taiwan, and the aircraft engineers did not work on the said aircraft during that period ?

6(d) Note :

(The Terms of Reference contained in 6(b) of the AIAEA draft cannot be referred as it is totally vague and does not refer to any actual of existing disputes, which are in existence between the parties. Hypothetical issues cannot be referred under the Industrial Disputes Act, 1947. In any event, there can be no requirement of consultation or Notice of Change except when prescribed by statute or by any specific term of the settlement/understanding)

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7(a) Whether AIAEA proves that there is any violation of prescribed safety or hygiene standards by Air India ?

7(b) Whether such issues are required to be raised before the prescribed statutory authorities and cannot form the subject matter of an industrial dispute ?

8. Already covered in Number 7(a) above.

9(a) Whether the Aircraft Engineers who have not obtained required qualification for inspection/certification for 747-400 and its equipments after 1997 are entitled to certification allowance as per the Settlement dated 1994 as being paid to qualified Engineers prior to 1997 ?

9(b) Whether such a demand which is contrary to Settlements is maintainable ?

9(c) If the answer to 9(a) and 9(b) is in affirmative, whether the Aircraft Engineers are entitled to interest on the amount remaining unpaid and at what rate ?

9(d) Whether the claim of AIAEA to receive interest on the said payment of arrears is maintainable in law and whether interest can be claimed even though no demand was ever raised in this behalf and there is no industrial dispute in existence ?

10(a) Whether the office bearers of the Association are entitled to travel on confirmed tickets in club class as per the bilateral agreement of 1989 and the practice allegedly observed for over 15 years ?

10(b) Whether a demand for confirmed tickets for office bearers of a trade union is an industrial dispute and whether such demand is maintainable under the Industrial Disputes Act, 1947 ?

10(c) Whether benefits given to office bearers of the Association are enforceable after the expiry and/or termination of the bilateral agreement of 1989 ?

10(d) Whether the said demand is maintainable or justified or in view of the provisions of the Air India Employees Passage Regulations?

10(e) Whether such a demand is justified and can be granted at the cost of fare paying passengers ?

11. Whether the demand of the AIAEA for promotions to the post of Senior Aircraft Engineer in respect of Aircraft Engineers not in possession of BAMEC issued by DGCA is sustainable in law having regard to the Settlements and Agreements, including the Agreement dated April 06, 1989 ?

12. Whether the payment of PLI to the Aircraft Engineers as per the parameters prescribed in the Agreement dated May 2/3, 1996 without any capping or ceiling levels is justified? If so, whether the capping levels or ceiling prescribed by the Management for payment of PLI as stipulated in letter No. DHRD/37-PLI/064 dated January 21, 2002 are justified ?

13. Having regard to the Clause 6 of Annexure "C" of Settlement dated May 2/3 1996, relating to revised productivity/work practices, whether the sponsoring of names for attending training programmes can be a subject matter of industrial dispute? Whether the demand of AIAEA that the nominations to various training programmes should be done after prior consultation with the AIAEA is justified ?

14(a) Whether the grant of approvals by the Management to the Technical Officers of Engineering and Engine Overhaul Departments does in anyway amount to violation of any of the existing Agreements/ Understandings/Awards with the AIAEA ?

14(b) Whether the AIAEA is entitled to raise any dispute or demand relating to the issues which are covered by the DGCA Rules and Regulations?

14(c) Having regard to the approval granted by the DGCA to Management in granting approvals to the Technical Officers, whether the AIAEA is precluded from raising any demand or dispute with regard to the grant of approvals to the Technical Officers of Engineering and Engine Overhaul Departments ?

14(d) Aircraft Engineers having agreed to the Management as per Clause 13 of the Annexure "C" of the Agreement dated May 2/3, 1996 to rationalise and introduce such measures so as to improve the Company's overall standards of efficiency, to reduce cost and to set up productivity in the larger interest of the Company is precluded from raising any objection demand with regard to the grant of approvals to Technical Officers of the Engineering and Engine Overhaul Departments especially when the existing approvals and the licences granted to the Aircraft Engineers are not prejudicially affected?

ANNEXURE 'B'

JUSTICE H SURESH (RETD)
SENIOR ADVOCATE

*Chambers 501, Sir Vithaldas Chambers, 16, Bombay
Samachar Marg, Bombay 400023, Tel 2874571,
2044108*

Date 11th March, 2002

I hereby consent to be an arbitrator in the dispute between Air India Ltd. and its workmen represented by Air India Aircraft Engineers Association, as per the consent order of the Honorable High Court dated February 25, 2002.

Justice H. Suresh (Retd.)

ANNEXURE 'C'

IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
APPELLATE SIDE CIVIL JURISDICTION CIVIL
APPLICATION STAMP NO. 7486 OF 2002

IN

APPEAL FROM ORDER NO 1041 OF 2001

Air India Ltd.

.....Petitioner (Orig. Appellants)

V/s

Air India Aircraft Engineers Association & Ors.

.....Respondents (Orig. Respondents)

Mr. S.G. Aney, Sr. Advocate with Mr. C.U. Singh i/b

M/s. M.V. Kini & Co. for the Petitioners
(Orig. Appellants)

Mr. Jayant G. Gadkari, Advocate for the Respondents

(Orig. Respondents)

CORAM : Hon'ble Dr. D.Y. CHANDRACHUD, J

Date : 25th February, 2002

MINUTES OF THE ORDER

1 Without prejudice to the rights and contentions of the parties, the present Civil Application as well as the Appeal from Order are disposed of by consent with the following Order.

2 The Parties will jointly apply to the Central Government within One week to refer all the disputes raised in the Strike Notice dated 15th February, 2002 and all disputes raised in Strike Notice dated 28th July, 2001 as well as all disputes pending in conciliation before the Regional Labour Commissioner (C) Mumbai, to the Sole Arbitration of Hon'ble Mr. Justice H. Suresh (Retired), and upon receiving such joint application the Central Government is directed to refer the said disputes to Arbitration u/s 10-A of the Industrial Disputes Act, 1947 within a period of One month. In case, the parties jointly agree before submitting the joint application to refer any additional disputes to arbitration, the joint application will also contain such other disputes which the parties have agreed to refer, and all such disputes shall be referred by the Central Government.

3. Both parties have agreed to share the cost of Arbitration and Ld. Arbitrator's fees in the proportion of 75% by the Petitioner and 25% by the Respondent.

4. In view of this consent Order, the Respondent Association withdraws the Strike notices dated 28th July 2001 and 15th February 2002. Pending conclusion of the Arbitration proceedings a period of 30 days after publication of the Arbitration Award the Respondent Association, its officers and representatives shall not proceed with any agitation or disruptive services of the Association and normalcy of operations of the Association shall be maintained.

S. Both parties

and
edings.
theM/s. M V KINI & Co.
Advocates & Solicitors
Mumbai.

Mr. Jayant G Gadkari

ANNEXURE 'D'

IN THE HIGH COURT OF JUDICATURE AT
BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO. 1041 OF 2001

WITH

CIVIL APPLICATION NO. 225 OF 2002

Air India Ltd.

.....Appellant

V/s

Air India Aircraft Engineers Association & Ors.

.....Respondents

Shri S. G. Aney, Senior Counsel with Shri C.U. Singh
i/b. M. V. Kini & Co. for Appellant.

Shri J. G. Gadkari for the Respondents.

CORAM : Dr. D.Y. CHANDRACHUD, J.

25th February, 2002

P.C. :

This Appeal from Order arose out of an order dated 25th October, 2001 passed by the City Civil Court, holding that it had no jurisdiction to entertain and try the suit which was instituted by Air India Ltd. against the Air India Aircraft Engineers Association. The appeal came up for hearing before a Learned Single Judge on 12th December 2001 when the statement on behalf of the Respondents, of the Learned Counsel, was recorded to the effect that the Respondents do not intend to and shall not go on strike on the issues which are pending conciliation. Thereafter, this Court was urgently moved on the basis of a Civil Application, being Civil Application No. 225 of 2002 since it was the grievance of the Appellant that notwithstanding the pendency of the proceedings in conciliation, precipitate action was being resorted to by the Association representing the Aircraft Engineers. When the matter came up before me, I was of the view, prima facie, that having regard to the wider public interest involved, particularly the interest of the members of the community at large who utilize the Air Transport Service provided by the Appellant, it would be desirable that the disputing parties sit down together and resolve their differences. Accordingly, a suggestion was made to the parties that they may agree to a joint reference to Arbitration of a retired Judge of this Court under Section 10A of the Industrial Disputes Act, 1947. Time was accordingly granted to the Learned Counsel to explore this possibility.

The Learned Counsel appearing on behalf of the Appellant and for the Respondent-Union have informed the Court that the matter has subsequently received the attention of the parties and that accordingly, the parties

have agreed to refer their disputes under Section 10A of the Industrial Disputes Act, 1947 to the arbitration of Mr. Justice H. Suresh, a former Judge of this Court. The Learned Counsel have accordingly prepared Consent Minutes providing for the modalities for effecting the reference and for consequential directions to the Central Government to refer the dispute to the arbitration of the Learned Arbitrator. The Consent Minutes of the Order which have been signed on behalf of the Appellant as well as the Respondents are taken on record and marked 'X'.

The Learned Counsel have informed the Court that two issues had remained to be resolved which parties request the Court to pass orders on, in these proceedings. The first issue relates to the payment of arrears on account of the Productivity Linked Incentive. While the Learned Counsel appearing on behalf of Air India Ltd. has submitted that this issue should also be referred to the arbitration of the Learned Arbitrator like other matters in dispute, on behalf of the Respondent-Union, it was submitted that the management had essentially agreed to pay the arrears on account of the incentive payment and only a formal approval of the Board of Directors is now required. After submissions were urged before me, it has now been agreed to by the Learned Counsel by consent of the parties that it would be open to the Respondent-Association, upon a reference being made to the Learned Arbitrator by the Central Government, to seek appropriate interim directions from the Learned Arbitrator, requiring Air India to place the matter before its Board of Directors for formal approval. *In the event that such an interim application is made before the Learned Arbitrator, it is expected that it would be disposed of expeditiously and preferably within one month of the Learned Arbitrator entering upon the reference.* However, by consent, it is clarified that this would not preclude the management of Air India Ltd. from placing the matter suo motu before its Board and if it seeks to do so, this order will not preclude the management from doing so.

The second issue which remained to be resolved is as regards the creation of Grade 34 in respect of which the Deshmukh Committee is presently investigating into the demand of the Association. Here again, it is agreed by consent between the parties that upon receipt of the report of the Deshmukh Committee, which is expected to be ready within a period of two months from today, the report of the Deshmukh Committee will also be placed before the Learned Arbitrator so that the Learned

Arbitrator can issue necessary directions after hearing the parties in the course of the reference, in regard to this issue as well.

The Learned Counsel appearing on behalf of the parties are agreed that a tentative draft of the terms of reference shall be made available by the Respondent-Union to the management of Air India Ltd. within a period of three days from today. The management agrees to respond thereto within a period of three days thereafter, so that an appropriate application can be made to the Central Government for drawing up the terms of reference. *In the event that there is any disagreement between the parties about the language to be used while framing the terms of reference on a particular clause, it is agreed that the respective terms of reference proposed by both the parties shall be referred to arbitration so that the Learned Arbitrator can decide upon the entitlement of the Respondent-Union in respect of the demands which have been made before the management.*


By consent of the parties it is also agreed that the clarifications which have been issued in this order shall form a supplement to the Consent Minutes of the Order signed by the Learned Counsel which have been taken on record.

Having regard to the consensual arrangement which has been arrived at between the parties, the Appeal from Order is disposed of taking the Consent Minutes of Order on record. No other issue has been pressed on merits. Accordingly, the Learned Counsel appearing on behalf of the Appellant prays for leave to withdraw the suit which has been instituted before the Trial Court. The suit is accordingly permitted to be withdrawn in terms of the settlement which has been arrived at. The Appellant will move the Trial Court for formal order in that regard. It is clarified that this Court has had no occasion to go into the correctness of the determination made on the merits of the Application under Section 9A by the City Civil Court in the impugned order dated 25th October 2001. By consent, the impugned order is quashed and set aside.

The Appeal from Order is accordingly disposed of.

Parties and Government to act on a copy of this Order and Consent Minutes of Order duly authenticated by the Sheristedar/P S

Certified  S

 Court

D.R. KAWALE,
Sheristedar, High Court